

JOURNAL
OF THE
House of Representatives
OF THE
STATE OF ALABAMA
ORGANIZATIONAL SESSION
OF 1991

HELD IN THE CITY OF MONTGOMERY
COMMENCING TUESDAY, JANUARY 9, 1991



Vol. 1
WITH AN INDEX PREPARED BY THE
CLERK OF THE HOUSE

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State of Alabama

**JOURNAL
OF THE
HOUSE OF REPRESENTATIVES
OF THE
STATE OF ALABAMA
REGULAR SESSION
OF 1991**

FIRST DAY

**House of Representatives
Montgomery, Alabama
Tuesday, January 8, 1991**

JOURNAL

of the House of Representatives of the State of Alabama of the Organizational Session of 1991, begun and held at the State House in the City of Montgomery, State of Alabama, on the second Tuesday in January, 1991, being the eighth day of the month in the Year of our Lord, One Thousand Nine Hundred and Ninety-One, at 12 o'clock, M., on which day, the day fixed by law and the Constitution for the meeting of the Legislature of Alabama, the House was called to order by the Honorable James S. Clark, Speaker of the House of Representatives.

PRAYER

The session was opened with prayer by Reverend Joe Lisenby, Pastor, First United Methodist Church, Eufaula, Alabama.

**CERTIFICATION OF RESULTS FOR GENERAL ELECTION
HELD ON NOVEMBER 6, 1990 FOR MEMBERS
OF THE ALABAMA HOUSE OF REPRESENTATIVES**

STATE OF ALABAMA

I, Perry A. Hand, Secretary of State, of the State of Alabama, having custody of the Great and Principal Seal of said State, do hereby certify that pursuant to the Code of Alabama, 1975 as amended, I, Perry A. Hand Secretary of State of the State of Alabama, do hereby certify that the results of the General Election

held in Alabama on November 6, 1990, were opened and counted and that the results so tabulated are attached hereto listing those duly elected members of the Alabama House of Representatives.

District No. 1, Nelson R. Starkey, Jr.; District No. 2, Marcel Black; District No. 3, J. W. (Joe) Goodwin; District No. 4, James H. (Goat) Hamilton; District No. 5, Tommy Carter; District No. 6, Tom Butler; District No. 7, Sam Letson; District No. 8, Morris Anderson; District No. 9, Paul Parker; District No. 10, Morris J. "Mo" Brooks, Jr.; District No. 11, Tom Drake; District No. 12, W. C. "Bill" Bowling; District No. 13, Tom Hogan; District No. 14, Johnny Cagle; District No. 15, Allen Layson; District No. 16, Max "Spider" Newman; District No. 17, Mike Millican; District No. 18, Johnny Mack Morrow; District No. 19, George Grayson; District No. 20, Howard Sanderford; District No. 21, Dewayne Freeman; District No. 22, Albert Hall; District No. 23, Ben Richardson; District No. 24, Ralph Burke; District No. 25, Kerry Rich; District No. 26, W. F. (Frank) McDaniel; District No. 27, Bob Harvey; District No. 28, Joe Ford; District No. 29, June Bugg; District No. 30, Roy Smith; District No. 31, Jack B. Venable; District No. 32, Clarence Haynes; District No. 33, Ron Johnson; District No. 34, Gerald Willis; District No. 35, Bobby Crow; District No. 36, James M. Campbell; District No. 37, Richard Laird; District No. 38, Bill Fuller; District No. 39, Richard Lindsey; District No. 40, Al Knight; District No. 41, Mike Hill; District No. 42, Hugh Holladay; District No. 43, Jack Biddle, III; District No. 44, Arthur Payne; District No. 45, Albert G. Morton; District No. 46, Jim Carns; District No. 47, Allen Sanderson; District No. 48, John H. Hawkins, Jr.; District No. 49, Tony Petelos; District No. 50, Johnny L. Curry; District No. 51, Frank Rogers; District No. 52, John W. Rogers; District No. 53, Demetrius C. Newton; District No. 54, George Perdue; District No. 55, Mark Gaines; District No. 56, Bobby Greene McDowell; District No. 57, Edward B. (E. B.) McClain; District No. 58, David Barnes; District No. 59, Lewis G. Spratt, Sr.; District No. 61, Bryant Melton, Jr.; District No. 62, Phil Poole; District No. 63, Tim Parker; District No. 64, James E. (Jimmy) Warren; District No. 65, Jeff Dolbare; District No. 66, Harrell Blakeney; District No. 67, Lucius Black; District No. 68, Jenkins Bryant, Jr.; District No. 69, James Louis Thomas; District No. 70, W. F. "Noopie" Cosby, Jr.; District No. 71, Horace W. Powell; District No. 72, Curtis Smith; District No. 73, Perry O. Hooper, Jr.; District No. 74, Bob McKee; District No. 75, Claud Walker; District No. 76, Mike Mikell; District No. 77, John L. Buskey; District No. 78, Alvin Holmes; District No. 79, Pete Turnham; District No. 80, G. J. (Dutch) Higginbotham; District No. 81, James T. Cullins; District No. 82, George H. Clay; District No. 83, Jane Gullatt; District No. 84, James S. (Jimmy) Clark; District No. 85, John P. Beasley; District No. 86, Joe Carothers; District No. 87, Nathan Mathis; District No. 88, R. Nolan Williams; District No. 89, Steve Flowers; District No. 90, Charles Newton; District No. 91, Jimmy W. Holley; District No. 92, Seth Hammett; District No. 93, F. P. "Skippy" White; District No. 94, Walter E. Penry, Jr.; District No. 95, Steve McMillan; District No. 96, Mike Box; District No. 97, Mary S. Zoghby; District No. 98, William "Bill" Clark; District No. 99, James E. Buskey; District No. 100, Victor Gaston; District No. 101, Ken Kvalheim; District No. 102, J. E. Turner; District No. 103, Yvonne Kennedy; District No. 104, Lois Rockhold; District No. 105, Taylor Harper.

* The certified vote totals indicated that Sundra E. Escott received the most votes. However, due to her failure to file a financial disclosure report, in accordance with provisions of the Fair Campaign Practices Act, Act No. 88-873. Ms.

Escott was not issued a Certificate of Election. A special general election is being held Tuesday, January 8, 1991 in House District 60. Ms. Escott is the Democratic nominee.

In Testimony Whereof, I have hereunto set my hand and affixed the Great Seal of the State of Alabama, at the Capitol, City of Montgomery on this day.

January 7, 1991



PERRY A. HAND
Secretary of State
State of Alabama

OATH OF OFFICE

The oath of office prescribed by the Constitution of the State of Alabama was administered to the above Representatives-elect by the Honorable Sonny Hornsby, Chief Justice, Alabama Supreme Court.

ROLL CALL

On a call of the roll of the House, the following members answered to their names:

Mr. Speaker, Anderson, Barnes, Beasley, Biddle, Black (L), Black (M), Blakeney, Bowling, Box, Brooks, Bryant, Bugg, Burke, Buskey (JE), Buskey (JL), Butler, Cagle, Campbell, Carns, Carothers, Carter, Clark (W), Clay, Cosby, Crow, Cullins, Curry, Dolbare, Drake, Flowers, Ford, Freeman, Fuller, Gaines, Gaston, Goodwin, Grayson, Gullatt, Hall, Hamilton, Hammett, Harper, Harvey, Hawkins, Haynes, Higginbotham, Hill, Hogan, Holladay, Holley, Holmes, Hooper, Johnson, Kennedy, Knight, Kvalheim, Laird, Layson, Letson, Lindsey, Mathis, McClain, McDaniel, McDowell, McKee, McMillan, Melton, Mikell, Millican, Morrow, Morton, Newman, Newton (C), Newton (D), Parker (P), Parker (T), Payne, Penry, Perdue, Petelos, Poole, Powell, Rich, Richardson, Rockhold, Rogers (F), Rogers (J), Sanderford, Sanderson, Smith (C), Smith (R), Spratt, Starkey, Thomas, Turner, Turnham, Venable, Walker, Warren, White, Williams, Willis and Zoghby.

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A quorum was present.

The House then proceeded with the election of its permanent officers.

ELECTION OF SPEAKER

Representative Tommy Carter of Limestone County placed in nomination for Speaker of the House of Representatives, the Honorable James S. Clark of Barbour and Russell Counties, which was seconded by Representative Joe

Carothers, Jr. of Houston County, Representative Yvonne Kennedy of Mobile County and Representative John W. Rogers of Jefferson County. Representative Jimmy W. Holley of Coffee County placed in nomination for Speaker of the House of Representatives, the Honorable Tom Drake of Cullman and Morgan Counties, which was seconded by Representative Jack Biddle, III of Jefferson County. There being no further nominations, the Speaker declared the nominations closed.

The Honorable James S. Clark having received a majority of the votes cast of those elected to the House of Representatives was declared duly and constitutionally elected Speaker of the House of Representatives for the term prescribed by law. Those who voted for the Honorable James S. Clark are:

Representatives Anderson, Barnes, Beasley, Black (L), Black (M), Bowling, Box, Bryant, Bugg, Burke, Buskey (JE), Buskey (JL), Butler, Cagle, Campbell, Carns, Carothers, Carter, Clark (J), Clark (W), Curry, Dolbare, Flowers, Ford, Freeman, Fuller, Gaines, Gaston, Gullatt, Hall, Harper, Harvey, Hawkins, Haynes, Higginbotham, Hogan, Holladay, Hooper, Johnson, Kennedy, Kvalheim, Letson, Lindsey, Mathis, McClain, McDaniel, McDowell, Millican, Morrow, Newman, Newton (C), Parker (P), Parker (T), Penry, Petelos, Powell, Rockhold, Rogers (F), Rogers (J), Sanderson, Smith (C), Spratt, Starkey, Thomas, Turnham, Warren, White, Williams and Zoghby.

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Those who voted for the Honorable Tom Drake are:

Representatives Biddle, Blakeney, Brooks, Clay, Cosby, Crow, Cullins, Drake, Goodwin, Grayson, Hamilton, Hammett, Hill, Holley, Holmes, Knight, Laird, Layson, McKee, McMillan, Melton, Mikell, Morton, Newton (D), Payne, Perdue, Poole, Rich, Richardson, Sanderford, Smith (R), Turner, Venable, Walker and Willis.

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OATH OF OFFICE

The oath of office prescribed by the Constitution of the State of Alabama was then administered to the Honorable James S. Clark by Judge Gorman Houston.

ELECTION OF SPEAKER PRO TEMPORE

Representative Bill Fuller of Chambers County placed in nomination for Speaker Pro Tempore of the House, Representative James M. Campbell of Calhoun County, which was seconded by Representative Jane Gullatt of Russell County, Representative Nelson R. Starkey, Jr. of Lauderdale County and Representative Buskey (JE) of Mobile County. Representative Ben T. Richardson of Jackson County placed in nomination for Speaker Pro Tempore of the House of Representatives, the Honorable Demetrius C. Newton of Jefferson County, which was seconded by Representative George Perdue of Jefferson County, Representative Alvin Holmes of Montgomery County and Representative Bryant Melton of Jefferson County. There being no further nominations, the Speaker

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declared the nominations closed.

The Honorable James M. Campbell having received a majority of the votes cast of those elected to the House of Representatives was declared duly and constitutionally elected Speaker Pro Tempore of the House of Representatives for the term prescribed by law. Those who voted for the Honorable James M. Campbell are:

Representatives Anderson, Beasley, Black (L), Black (M), Bowling, Box, Bryant, Bugg, Burke, Buskey (JE), Buskey (JL), Butler, Cagle, Campbell, Carns, Carothers, Carter, Clark (J), Crow, Cullins, Curry, Dolbare, Flowers, Ford, Freeman, Fuller, Gaines, Gaston, Gullatt, Hall, Harper, Harvey, Hawkins, Haynes, Higginbotham, Hogan, Holladay, Hooper, Johnson, Knight, Kvalheim, Letson, Lindsey, Mathis, McClain, McDaniel, McDowell, Millican, Morrow, Newman, Newton (C), Parker (P), Parker (T), Penry, Petelos, Powell, Rockhold, Rogers (F), Rogers (J), Sanderson, Smith (C), Spratt, Starkey, Thomas, Turnham, Warren, White, Williams, Willis and Zoghby.

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Those who voted for the Honorable Demetrius C. Newton are:

Representatives Barnes, Biddle, Blakeney, Brooks, Clark (W), Clay, Cosby, Drake, Grayson, Hamilton, Hammett, Hill, Holley, Holmes, Kennedy, Laird, Layson, McKee, McMillan, Melton, Mikell, Morton, Newton (D), Payne, Perdue, Poole, Rich, Richardson, Sanderford, Smith (R), Turner, Venable and Walker.

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OATH OF OFFICE

The oath of office prescribed by the Constitution of the State of Alabama was then administered to Representative James M. Campbell by Justice Sonny Hornsby.

RESOLUTIONS

The following resolutions were introduced:

By Representative Campbell:

H.R. 1. NOTIFY SENATE

BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES, That the Clerk of the House of Representatives inform the Senate of Alabama that the House of Representatives has perfected its organization and elected its permanent officers and is now ready for the transaction of public business; that he communicate to the Senate the names of the several offices elected by the House.

On motion of Representative Campbell, the resolution, H.R. 1, was adopted.

Also:

By Representative Campbell:

H.J.R. 2. COMMITTEE APPOINTED TO NOTIFY GOVERNOR LEGISLATURE IS IN SESSION

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That a committee of six, consisting of three members of the Senate to be appointed by the presiding officer of the Senate, and three members on the part of the House to be appointed by the Speaker, be named to wait upon the Governor of Alabama and inform him of the organization of the Legislature, and its readiness to transact business.

On motion of Representative Campbell, the resolution, H.J.R. 2, was adopted.

COMMITTEE APPOINTED

The Speaker appointed as a committee on the part of the House, Representatives Turner, Grayson and McKee.

Also:

By Representative Campbell:

H.R. 3. CREATING A SEATING AND OFFICE SPACE COMMITTEE

BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES, That a Committee consisting of seven members of the House, one from each Congressional District, be appointed by the Speaker of the House to assign seats and office space to the several members of the House.

On motion of Representative Campbell, the resolution, H.R. 3, was adopted.

COMMITTEE APPOINTED

The Speaker appointed as a committee on the part of the House, Representatives Beasley, Chairman; Box; Johnson; Burke; Hall; Hawkins and Bryant.

Also:

By Representative Campbell:

H.J.R. 4. CREATING A LEGISLATIVE PARKING COMMITTEE

ORGANIZATIONAL SESSION
1st Day

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BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That there is hereby created a joint committee to work with the Chief of Services and Capitol Police, Department of Finance, and in assigning parking places to members of the Legislature. Said Committee shall consist of three members of the House, to be appointed by the Speaker, and three members of the Senate, to be appointed by the Presiding Officer of the Senate.

On motion of Representative Campbell, the resolution, H.J.R. 4, was adopted.

COMMITTEE APPOINTED

The Speaker appointed as a committee on the part of the House, Representatives Starkey, Thomas and Curry.

Also:

By Representative Campbell:

H.R. 5. RELATIVE TO MEETING DAYS

BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES, That when we adjourn today, Tuesday, January 8, 1991, we adjourn to meet again on Wednesday, January 9, 1991, at 10:00 A.M.

On motion of Representative Campbell, the resolution, H.R. 5, was adopted.

Also:

By Representative Campbell:

H.J.R. 6. RELATIVE TO MEETING DAYS AND JOINT SESSION

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That when the two houses adjourn today, Tuesday, January 8, 1991, they adjourn to meet again on Wednesday, January 9, 1991.

BE IT FURTHER RESOLVED, That the House of Representatives and Senate meet in joint convention in the Hall of the House of Representatives at 10:15 A.M. January 9, 1991, for the purpose of witnessing the opening and publishing of the returns of the election of executive officers of the State of Alabama at the General Election held on November 6, 1990, as required by Section 115 of the Constitution of Alabama.

On motion of Representative Campbell, the resolution, H.J.R. 6, was adopted.

Also:

By Representative Campbell:

H.J.R. 7. SETTING JOINT SESSION

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That the House of Representatives and Senate meet in joint convention in the Hall of the House of Representatives at 10:30 A.M. Wednesday, January 9, 1991, for the purpose of receiving the written comparisons, analyses, recommendations and proposed legislation from the Chairman of the Alabama Commission on Tax and Fiscal Policy Reform as required by Act No. 90-734 of the 1990 Regular Session of the Legislature.

On motion of Representative Campbell, the resolution, H.J.R. 7, was adopted.

Also:

By Representative Campbell:

H.J.R. 8. SETTING JOINT SESSION

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That the House of Representatives and Senate meet in joint convention in the Hall of the House of Representatives at 11:00 A.M. Wednesday, January 9, 1991, for the purpose of receiving the report of findings, conclusions and recommendations, including specific legislation, from the Joint Interim Legislative Committee to Study the Funding and Allocation of Revenues for Elementary/Secondary Schools in Alabama as required by Act No. 90-503 of the 1990 Regular Session of the Legislature.

On motion of Representative Campbell, the resolution, H.J.R. 8, was adopted.

Also:

By Representatives Clark (J), Harper, Butler, Williams, Johnson, Hooper, Haynes, Dolbare, Hogan, Freeman, Letson, Rogers (F), Millican, Rogers (J), Barnes, Curry, Powell, McClain, Turnham, Carter, Cagle, Starkey, Smith (C), Hall, Flowers, Higginbotham, Carothers, Hawkins, Gullatt, Parker (P), Beasley, Penry, Kennedy, Black (M), Kvalheim, Zoghby, Rockhold, Harvey, Campbell, Fuller, Newman, Mathis, Gaston, Morrow, McDaniel, Ford, Burke, Box, Hamilton, Hammett, Walker, McKee, Newton (C), Richardson, Rich, Parker (T), Blakeney, McMillan, Black (L), Cosby, Lindsey, Buskey (JL), Clark (W), Layson, Bryant, Sanderford, Brooks, Smith (R), Melton, Venable, Cullins, Turner, Goodwin, Mikell, Spratt, Bowling, Thomas, Carns, Bugg, Willis, Laird, Poole, Knight, Holmes, Anderson, Biddle, Buskey (JE), Clay, Crow, Drake, Gaines, Grayson, Hill, Holladay, Holley, McDowell, Morton, Newton (D), Payne, Perdue, Petelos, Sanderson, Warren and White:

H.J.R. 9. EXPRESSING THE LEGISLATURE'S SUPPORT OF PRESIDENT

BUSH AND OF U. S. TROOPS IN SAUDI ARABIA.

WHEREAS, it is with inordinate pride that the Alabama Legislature publicly speaks in support of President Bush and of our stalwart troops in the Middle East, many thousands of whom are brave sons and daughters of Alabama who stand ready to help stem the tide of aggression heralded by the attack and invasion of Kuwait by Iraqi troops, August 2, 1990, which kindled an international crisis; and

WHEREAS, this unprovoked assault and subsequent take-over of Kuwait has been further compounded by the many documented atrocities committed, sanctioned and even encouraged by Iraqi President Saddam Hussein, and by the detention of American citizens and other foreign nationals in Kuwait who, purportedly, were to be used as human shields against retaliation; and

WHEREAS, in addition to active military troops from Alabama and the various states already deployed to the Persian Gulf, National Guard personnel as well as reservists, nationwide, have been mobilized and/or deployed to Saudi Arabia, bringing the total U. S. military strength to roughly 500,000 plus; and

WHEREAS, from the State of Alabama, which has the largest assigned Army National Guard strength in America, some 4,700 Army and Air Guard personnel have been mobilized, representing more than nine percent of the approximately 50,000-plus who have been mobilized nationwide; and

WHEREAS, additionally, approximately 50 percent of Alabama's mobilized Guard strength is already in the Middle East; 65 percent of some 1,200 Alabama Army Reservists called-up have been deployed to the Persian Gulf area; 337 Alabama Air Force Reservists who have been mobilized are currently on duty in the area; 155 Alabama Naval Reservists have been called-up and assigned to Operation Desert Shield; and of 831 Marine Corps Reservists in Alabama, more than 42 percent or 356 have been mobilized; and

WHEREAS, in again expressing wholehearted support of our troops in the Middle East, we are most particularly proud of the many thousands of brave men and women from Alabama who traditionally stand in defense of freedom when called; our beloved state enjoys a heritage that is steeped in patriotism and our continuing willingness to serve is apparent in the vast number of young Alabamians whose presence now bolsters our first line of defense against Iraqi forces in the Persian Gulf; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we herein express our encouragement and support of President Bush, and of our military forces abroad to whom we wish Godspeed and a safe return home.

BE IT FURTHER RESOLVED, That copies of this resolution be dispatched forthwith to President George Bush; General Colln L. Powell, Chairman, U. S. Joint Chiefs of Staff; to Alabama's Congressional Delegation; and to State Adjutant General Ivan F. Smith.

On motion of Representative Campbell, the resolution, H.J.R. 9, was adopted.

**JOURNAL OF THE HOUSE, 1991
1st Day**

MESSAGE FROM THE SENATE

Mr. Speaker:

I have been directed by the Senate to notify the House that the Senate has perfected its organization by the elections of the following officers:

President Pro Tempore: Ryan deGraffenried

Assistant Secretary of the Senate: David Patrick Harris

and is now ready for the transaction of public business.

MCDOWELL LEE
Secretary

ADJOURNMENT

On motion of Representative Carothers and pursuant to the resolution, H.R. 5, heretofore adopted, the House adjourned until 10:00 o'clock A.M., Wednesday, January 9, 1991.

SECOND DAY

House of Representatives
Montgomery, Alabama
Wednesday, January 9, 1991

The House met pursuant to adjournment.

PRAYER

The session was opened with prayer by Representative James T. Cullins, Pastor, Church of Christ, Alexander City, Alabama.

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Representative Jane Gullatt.

ROLL CALL

On a call of the roll of the House, the following members answered to their names:

Mr. Speaker, Anderson, Barnes, Beasley, Biddle, Black (L), Black (M), Blakeney, Bowling, Box, Brooks, Bryant, Bugg, Burke, Buskey (JE), Buskey (JL), Cagle, Campbell, Carns, Carothers, Carter, Clark (W), Clay, Cosby, Crow, Cullins, Curry, Dolbare, Drake, Flowers, Ford, Freeman, Fuller, Gaines, Gaston, Goodwin, Grayson, Gullatt, Hall, Hamilton, Hammett, Harper, Harvey, Hawkins, Haynes, Higginbotham, Hill, Hogan, Holladay, Holley, Holmes, Hooper, Johnson, Kennedy, Knight, Kvalheim, Laird, Layson, Letson, Lindsey, Mathis, McClain, McDaniel, McDowell, McKee, McMillan, Melton, Mikell, Millican, Morrow, Morton, Newman, Newton (C), Newton (D), Parker (P), Parker (T), Payne, Penry, Perdue, Petelos, Poole, Powell, Rich, Richardson, Rockhold, Rogers (F), Rogers (J), Sanderford, Sanderson, Smith (C), Smith (R), Spratt, Starkey, Thomas, Turner, Turnham, Venable, Walker, Warren, White, Williams, Willis and Zoghby.

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A quorum was present.

JOURNAL APPROVAL

On motion of Representative Carter, the reading at length of the Journal of the House for the first legislative day was dispensed with and the Journal for the first legislative day was approved.

RESOLUTION

The following resolution was introduced:

By Representative Campbell:

H.J.R. 10. RELATIVE TO MEETING DAYS

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That when the two houses adjourn today, Wednesday, January 9, 1991, they adjourn to meet again on Tuesday, January 15, 1991.

On motion of Representative Campbell, the resolution, H.J.R. 10, was adopted.

RECESS

On motion of Representative Campbell, the House recessed.

JOINT SESSION

Pursuant to the resolution, H.J.R. 6, the Senate and the House of Representatives of the Legislature of Alabama met in joint session in the Hall of the House of Representatives for the purpose of witnessing the opening and

publishing of the returns of the election of the constitutional officers of the State of Alabama at the General Election held on November 4, 1990, as required by Section 115 of the Constitution of Alabama.

Pursuant to the resolution, H.J.R. 7, the Senate and the House met in joint session for the purpose of hearing an address by the Honorable Bo Torbert and Judge Frank McFadden on tax reform.

The joint session was called to order by the Honorable Jim Folsom, Lieutenant Governor and Presiding Officer of the Senate.

ELECTION RETURNS

STATE OF ALABAMA

I, Perry A. Hand, Secretary of State, of the State of Alabama, having custody of the Great and Principal Seal of said State, do hereby certify that pursuant to the Code of Alabama, 1975, as amended, I, Perry A. Hand, Secretary of State of the State of Alabama, do hereby certify that the results of the General Election held in Alabama on November 6, 1990, were opened and counted and that the results so tabulated are:

For Governor -

Paul R. Hubbert		
Alabama Democratic Party	received	582,106
Guy Hunt		
Alabama Republican Party	received	633,519
Write-in Votes		625

For Lieutenant Governor -

Jim Folsom, Jr.		
Alabama Democratic Party	received	768,988
Robert C. (Bob) McKee		
Alabama Republican Party	received	373,072
Write-in votes		333

For United States Senator -

Howell Heflin		
Alabama Democratic Party	received	717,814
Bill Cabaniss		
Alabama Republican Party	received	467,190

**ORGANIZATIONAL SESSION
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Write-in Votes **559**

**For United States Representative
First Congressional District -**

H. L. "Sonny" Callahan		
Alabama Republican Party	received	82,185

Write-in Votes **345**

**For United States Representative
Second Congressional District -**

Faye Baggiano		
Alabama Democratic Party	received	83,243

William L. "Bill" Dickinson		
Alabama Republican Party	received	87,649

Write-in Votes **19**

**For United States Representative
Third Congressional District -**

Glen Browder		
Alabama Democratic Party	received	101,923

Don Sledge		
Alabama Republican Party	received	36,317

Write-in Votes **2**

**For United States Representative
Fourth Congressional District -**

Tom Bevill		
Alabama Democratic Party	received	129,872

Write-in Votes **340**

**For United States Representative
Fifth Congressional District -**

Bud Cramer		
Alabama Democratic Party	received	113,047

Albert McDonald		
Alabama Republican Party	received	55,326

Write-in Votes **10**

**For United States Representative
Sixth Congressional District -**

Ben Erdreich Alabama Democratic Party	received	134,412
David A. Alvarez Independent	received	8,640
Nathaniel Ivory New Alliance Party of Alabama	received	1,745
Write-in Votes		944

**For United States Representative
Seventh Congressional District -**

Claude Harris Alabama Democratic Party	received	127,490
Michael D. Barker Alabama Republican Party	received	53,258
Write-in Votes		96

For Attorney General -

Jimmy Evans Alabama Democratic Party	received	726,982
Spencer Bachus Alabama Republican Party	received	401,388
Write-in Votes		482

For Secretary of State -

Billy Joe Camp Alabama Democratic Party	received	609,651
Perry A. Hand Alabama Republican Party	received	494,147
Write-in Votes		284

For State Treasurer -

George C. Wallace Jr. Alabama Democratic Party	received	770,507
Write-in Votes		4,242

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For State Auditor -

Terry Ellis		
Alabama Democratic Party	received	638,928
Will Lewis		
Alabama Republican Party	received	376,880
Write-in Votes		286

**For Commissioner of Agriculture
and Industries -**

A.W. Todd		
Alabama Democratic Party	received	605,041
Stan McDonald		
Alabama Republican Party	received	482,233
Write-in Votes		292

In Testimony Whereof, I have hereunto set my hand and affixed the Great Seal of the State, at the Capitol, in the City of Montgomery, on this day.

January 9, 1991



PERRY A. HAND
Secretary of State
State of Alabama

The Lieutenant Governor and Presiding Officer of the Senate announced that the purpose of the joint session having been accomplished, the Senate would retire to its Chamber.

The Speaker of the House then called the House to order.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has concurred in and adopted the following House Joint Resolution and returns same herewith to the House:

H.J.R. 9. EXPRESSING THE LEGISLATURE'S SUPPORT OF PRESIDENT BUSH AND OF U. S. TROOPS IN SAUDI ARABIA.

MCDOWELL LEE
Secretary

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has concurred in and adopted the following House Joint Resolution and returns same herewith to the House:

H.J.R. 8. SETTING JOINT SESSION.

MCDOWELL LEE
Secretary

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has concurred in and adopted the following House Joint Resolution and returns same herewith to the House:

H.J.R. 7. SETTING JOINT SESSION.

MCDOWELL LEE
Secretary

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has concurred in and adopted the following House Joint Resolution and returns same herewith to the House:

H.J.R. 6. RELATIVE TO MEETING DAYS AND JOINT SESSION.

MCDOWELL LEE
Secretary

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has concurred in and adopted the following House Joint Resolution and returns same herewith to the House:

H.J.R. 4. CREATING A LEGISLATIVE PARKING COMMITTEE.

The President and Presiding Officer of the Senate appointed as members on

part of the Senate, Senators: Foshee, Denton, and Windom.

MCDOWELL LEE
Secretary

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has concurred in and adopted the following House Joint Resolution and returns same herewith to the House:

H.J.R. 2. COMMITTEE APPOINTED TO NOTIFY GOVERNOR LEGISLATURE IS IN SESSION

The President and Presiding Officer of the Senate appointed as members on part of the Senate, Senators: Waggoner, Lipscomb, and Dixon.

MCDOWELL LEE
Secretary

RESOLUTION

The following resolution was introduced:

By Representative Rogers (J):

H.J.R. 11. TO ALTER THE AMOUNT OF COMPENSATION PAID TO MEMBERS OF THE LEGISLATURE AND TO REPEAL ACT 87-209, H.J.R. 287 OF THE 1987 REGULAR SESSION.

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That each member of the Legislature shall be entitled to and shall be paid seventy-five dollars (\$75) per diem for each legislative day that the Legislature actually meets during any regular session, special session, or organizational session. In addition, each member of the Legislature shall be entitled to and shall be paid seventy-five dollars (\$75) for one additional day during each week of any regular session, special session, or organizational session as per diem expenses for committee work. Each member of the Legislature shall be entitled to and shall be paid seventy-five dollars (\$75) per diem for the performance of his or her duties as a member of any interim legislative committee authorized by the Legislature. Such payment is conditioned upon actual attendance at scheduled interim committee meetings. Such per diem expense allowance of seventy-five dollars (\$75) is in lieu of any per diem expense heretofore provided for members of the Legislature.

BE IT FURTHER RESOLVED, That each member of the Legislature shall be entitled to and shall be reimbursed for actual expenses incurred in the performance of his or her duties outside the State of Alabama. Such reimbursement shall be in addition to the per diem expense allowance of seventy-five dollars

(\$75) to be provided for members of the Legislature.

BE IT FURTHER RESOLVED, That each member of the Legislature shall be entitled to and shall be paid two thousand and four hundred dollars (\$2400) per month for expenses incurred in the performance of his or her duties, to be paid at the end of each month during his or her term. Such monthly expense allowance of two thousand and four hundred dollars (\$2400) shall be in lieu of any monthly expense allowance currently provided for members of the Legislature. Provided, however, that said monthly expense allowance of two thousand and four hundred dollars (\$2400) shall be in addition to the reasonable expense allowance provided to presiding officers as authorized in Act No. 1196 of the 1971 Regular Session of the Alabama Legislature.

BE IT FURTHER RESOLVED, That Act 87-209, H.J.R. 287 of the 1987 Regular Session (Acts of 1987, p. 298) is hereby repealed.

MOTION TO ADOPT

Representative Rogers (J) offered the motion to adopt the resolution, H.J.R. 11.

MOTION ADOPTED

The motion offered by Representative Carothers to recess until 2:00 P.M. and request the Speaker to appoint a committee to study legislative compensation was adopted.

Yeas 51; Nays 41.

Yea:

Mr. Speaker, Beasley, Burke, Cagle, Carns, Carothers, Carter, Crow, Cullins, Curry, Flowers, Freeman, Fuller, Gaines, Gaston, Gullatt, Hamilton, Hammett, Harvey, Hawkins, Haynes, Higginbotham, Hill, Hogan, Johnson, Knight, Kvalheim, Lindsey, Mathis, McKee, McMillan, Melton, Mikell, Morrow, Morton, Newman, Parker (P), Petelos, Powell, Rich, Rockhold, Rogers (F), Smith (C), Spratt, Starkey, Turnham, Venable, Warren, Williams, Willis and Zoghby.

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Nay:

Representatives Anderson, Barnes, Black (L), Black (M), Blakeney, Bowling, Box, Brooks, Bryant, Buskey (JE), Buskey (JL), Clark (W), Clay, Cosby, Dolbare, Drake, Ford, Grayson, Harper, Holladay, Holley, Holmes, Kennedy, Laird, Layson, Letson, McClain, McDowell, Newton (C), Newton (D), Parker (T), Payne, Penry, Perdue, Poole, Richardson, Rogers (J), Sanderford, Smith (R), Thomas and Turner.

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COMMITTEE APPOINTED

The Speaker appointed as a committee on the part of the House, Representatives Rogers (J), Penry, Carter, Turnham and Hammett.

LEAVE OF ABSENCE

At the request of Representative Carter, leave of absence was granted for Representative Butler.

RECESS

On motion previously offered by Representative Carothers, the House recessed until 2:00 o'clock P.M.

HOUSE RECONVENED

The hour of 2:00 o'clock P.M. having arrived, the House reconvened. The Speaker called the House to order.

H.J.R. 11 RESUMED

SUBSTITUTE OFFERED

Representative Rogers (J) offered the following substitute to the resolution, H.J.R. 11:

TO ALTER THE AMOUNT OF COMPENSATION PAID TO MEMBERS OF THE LEGISLATURE AND TO REPEAL ACT 87-209, H.J.R. 287 OF THE 1987 REGULAR SESSION.

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That each member of the Legislature shall be entitled to and shall be paid fifty dollars (\$50) per diem for each legislative day that the Legislature actually meets during any regular session, special session, or organizational session. In addition, each member of the Legislature shall be entitled to and shall be paid fifty dollars (\$50) for one additional day during each week of any regular session, special session, or organizational session as per diem expenses for committee work. Each member of the Legislature shall be entitled to and shall be paid fifty dollars (\$50) per diem for the performance of his or her duties as a member of any interim legislative committee authorized by the Legislature. Such payment is conditioned upon actual attendance at scheduled interim committee meetings. Such per diem expense allowance of fifty dollars (\$50) is in lieu of any per diem expense heretofore provided for members of the Legislature.

BE IT FURTHER RESOLVED, That each member of the Legislature shall be entitled to and shall be reimbursed for actual expenses incurred in the perfor-

mance of his or her duties outside the State of Alabama. Such reimbursement shall be in addition to the per diem expense allowance of fifty dollars (\$50) to be provided for members of the Legislature.

BE IT FURTHER RESOLVED, That each member of the Legislature shall be entitled to and shall be paid two thousand and three hundred dollars (\$2300) per month for expenses incurred in the performance of his or her duties, to be paid at the end of each month during his or her term. Such monthly expense allowance of two thousand and three hundred dollars (\$2300) shall be in lieu of any monthly expense allowance currently provided for members of the Legislature. Provided, however, that said monthly expense allowance of two thousand and three hundred dollars (\$2300) shall be in addition to the reasonable expense allowance provided to presiding officers as authorized in Act No. 1196 of the 1971 Regular Session of the Alabama Legislature.

BE IT FURTHER RESOLVED, That Act 87-209, H.J.R. 287 of the 1987 Regular Session (Acts of 1987, p. 298) is hereby repealed.

AMENDMENT OFFERED

Representative Holmes offered the following amendment to the substitute offered by Representative Rogers (J) to the resolution, H.J.R. 11:

Amend Sub to H.J.R. 11 as follows:

Providing however that each member of the Alabama Legislature must sign an affidavit filed with the Alabama Comptroller stating that he requests said additional expenses or compensation.

Said affidavit shall be public.

AMENDMENT ADOPTED

And the amendment was adopted.

Yeas 50; Nays 36.

Yea:

Representatives Barnes, Beasley, Biddle, Brooks, Clark (W), Clay, Cosby, Cullins, Dolbare, Flowers, Fuller, Gaines, Gaston, Gullatt, Hall, Hammett, Hawkins, Haynes, Higginbotham, Hill, Hogan, Holley, Holmes, Johnson, Kvalheim, Laird, Letson, Lindsey, McClain, McDowell, Mikell, Morrow, Morton, Newman, Newton (D), Payne, Rich, Richardson, Rockhold, Rogers (J), Sanderford, Smith (R), Spratt, Thomas, Turner, Turnham, Walker, Warren, White and Zoghby.

Nay:

Mr. Speaker, Anderson, Black (L), Black (M), Blakeney, Box, Bryant, Burke, Cagle, Campbell, Carns, Carothers, Carter, Crow, Drake, Ford, Hamilton, Harper, Harvey, Holladay, Hooper, Knight, Mathis, McDaniel, Millican, Newton (C), Parker (P), Parker (T), Penry, Poole, Powell, Sanderson, Smith (C), Starkey, Williams and Willis.

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MOTION TO RECONSIDER ADOPTED

Having voted on the prevailing side, Representative Holmes offered the motion to reconsider the vote by which the amendment offered by him to the substitute to the resolution, H.J.R. 11, was adopted, and the motion to reconsider was adopted.

AMENDMENT TABLED

On motion of Representative Holmes, the amendment offered by him to the substitute to the resolution, H.J.R. 11, was tabled.

SUBSTITUTE LOST

The question was then on the adoption of the substitute offered by Representative Rogers (J) to the resolution, H.J.R. 11, and the substitute was lost.

Yeas 28; Nays 66.

Yea:

Mr. Speaker, Anderson, Barnes, Black (L), Blakeney, Bowling, Box, Bryant, Bugg, Buskey (JE), Buskey (JL), Campbell, Clark (W), Harper, Letson, Mathis, McClain, McDowell, Melton, Newton (D), Perdue, Rockhold, Rogers (J), Spratt, Starkey, Thomas, Turner and Zoghby.

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Nay:

Representatives Beasley, Biddle, Black (M), Brooks, Burke, Cagle, Carns, Carothers, Carter, Cosby, Crow, Cullins, Curry, Dolbare, Drake, Flowers, Ford, Freeman, Gaines, Gaston, Grayson, Gullatt, Hamilton, Hammett, Harvey, Hawkins, Haynes, Higginbotham, Hill, Hogan, Holladay, Holley, Hooper, Johnson, Knight, Kvalheim, Laird, Lindsey, McDaniel, McKee, McMillan, Mikell, Millican, Morrow, Morton, Newman, Newton (C), Parker (P), Parker (T), Payne, Petelos, Poole, Powell, Rich, Richardson, Rogers (F), Sanderford, Sanderson, Smith (C), Smith (R), Turnham, Venable, Walker, Warren, White and Willis.

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H.J.R. 11 TEMPORARILY CARRIED OVER

On motion of Representative Rogers (J), the resolution, H.J.R. 11, was temporarily carried over.

Also:

By Representative Campbell:

H.R. 12. BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES,
That the following be adopted as the permanent Rules of the House.

GENERAL RULES OF ORDER AND PROCEDURE

Rule 1. The doorkeeper shall on meeting days, thirty minutes before the session begins, clear the House floor, halls and offices of all unauthorized persons ~~not entitled to the floor~~. The doors of the House shall be opened but no person shall be admitted to the floor, halls and offices of the House while the same is in session, except members of the Legislature, the officers and employees of the two Houses, the Governor and his secretary representative, representatives of the press who shall be placed by the Clerk of the House, the Chief Examiner and employees of the Department of Examiners of Public Accounts, and other persons to whom either House, by unanimous vote, may extend the privileges of its floor; provided, however, that on the first legislative day of any regular or special session the families of the members of the House shall have the privilege of the floor, for that legislative day only.

(1) When former members are ~~on the given privileges of the~~ floor of the House, they shall not be engaged in any lobbying activities. Former members who are registered lobbyists shall ~~request permission of the Speaker to receive~~ not have privileges of the floor.

(2) For the purpose of this Rule, "press" means news gathering media or general news and not any trade or association.

(3) ~~These rules shall be enforced by the Clerk of the House.~~ A member may authorize the use of his office by any individual(s) of his choosing.

Rule 2. The Speaker shall take the chair every day at the hour fixed on the preceding adjournment. He shall immediately call the members to order, and on the appearance of a quorum cause the journal of the preceding day to be read.

Rule 3. No motion shall be deemed in order to admit any person, within the doors of the House to present any petition, memorial, or address, or to have any such read.

Rule 4. The presiding officer of the House alone shall introduce visitors in the House gallery. Such introductions shall be made at the request of any House member, but shall be made only at such time as not to interrupt or disturb the orderly transaction of the business of the House.

Rule 5. The order of business of the House shall be:

(1) ~~Report of the Committee on Rules: Approval of the journal for the previous legislative day.~~

(2) ~~Report of the Committee on Rules which shall include resolutions that have previously been submitted to and approved by the Committee.~~

(2) (3) Reports of other standing committees of bills ~~or resolutions~~, which shall be forthwith read by their titles a second time. In the call of committees the Speaker shall call them in their order.

(3) (4) The call of the districts in numerical order for the introduction of bills; ~~and resolutions, memorials, and petitions, provided, however, that no bills other than advertised local bills that have been advertised shall be introduced in the House during a regular session after the House adjourns on the 24th legislative day, and for the purpose of members stating points of personal privilege.~~

(4) (5) The unfinished business in which the House was engaged at its last adjournment.

(5) (6) The consideration of Bbills and resolutions in the order presented on the calendar shall then be taken up in the order presented.

(6) (7) Miscellaneous business.

Rule 6. The following provisions shall also apply to the order of business:

(1) Whenever any message is received notifying the House of the passage of Senate bills, the Clerk shall, immediately after the message is read, ~~proceed to read the bills by title, after which the Speaker shall assign each bill to a standing committee unless the reading at length be called for by some member, in which event the bills shall be read at length and referred forthwith to a committee.~~ The House shall then proceed with the business upon which it was engaged when the message was received. ~~During a regular session, no bill that has originated in the House, except advertised local bills shall be sent to the Senate for its first reading after the Senate adjourns on the 26th legislative day.~~

(2) Executive messages shall have priority over other business, and as soon as they are received they shall be read by the Clerk and a proper disposition made of them; and the House shall thereupon proceed with the business engaged in when interrupted by the message.

(3) No motion to carry over all bills on the calendar to reach a certain bill shall be in order.

Rule 7. The rules of the House shall not be suspended except by a four-fifths vote of a quorum present and voting.

Rule 8. No rule shall be rescinded or amended without one day's written notice of the motion thereof being given to all House members ~~of the House of~~

~~Representatives by placing such notice in member's House mailbox, and filed by filing such notice with the Clerk, of the House. All proposed rule changes shall be included on the calendar of the House considered on the next legislative day when requested by the member who filed such notice. Such consideration shall be during the call of the districts pursuant to Rule 5(4).~~

~~Rule 9. Any matter may, by a vote of a majority of the members present, be made the special order, which shall take precedence of any other business except a motion to reconsider. Provided, that a motion to make a bill or resolution a special order shall give the number of the bill or resolution. And provided further, that No bill or resolution shall be set for a special order or consideration except by a resolution reported from the Committee on Rules and adopted by a vote of a majority of the members present and voting. And p~~Provided further, that any resolution from the Committee on Rules setting a special order may be amended or substituted on the floor of the House by a vote of a 3/5 three-fifths majority of the members present and voting.

~~Rule 10. Upon the introduction of a bill or resolution the same shall be read by its title only, unless a reading at length be called for by some member, in which event it shall be read at length, and upon such reading, the bill or resolution shall be and referred to a standing committee. Four-fifths of those members present and voting may suspend the at-length reading at any time.~~

~~Rule 11. Every bill including proposed Constitutional amendments shall, on its first reading, be referred to a standing committee, but the reference to one committee shall not preclude a recommitment to another; and on recommitment the bill shall be open to amendment.~~

~~Rule 12. The total number of votes necessary for the passage in the House of Representatives of any bill, resolution or otherwise in which the U.S. Constitution is to be amended or altered shall be no less than the number of votes necessary to amend the Constitution of the State of Alabama.~~

~~Rule 13. All bills shall be dispatched in the order in which they are introduced, unless the House otherwise directs.~~

~~Rule 14. When a motion is made it shall be stated by the Speaker; or if it is in writing it shall be read aloud by the Clerk. Every A motion shall be reduced to writing if the Speaker or any member requests it.~~

~~Rule 15. After a motion is stated by the Speaker or read by the Clerk, it shall be deemed in possession of the House, but it may be withdrawn by leave permission of the House at any time before a vote is taken thereon.~~

~~Rule 16. Motions may be received in the following order when a question is before the House, to-wit: First, to fix the time to which the House shall adjourn; second, to adjourn; third, to indefinitely postpone; fourth, to lay on the table; fifth, the previous question; sixth, to postpone to a certain day, not beyond the probable duration of the session; seventh, to commit; eighth, to amend.~~

~~Rule 17~~16. When any motion, bill, or other matters are before the House, it

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will not be in order to entertain a substitute motion for the passage of a bill, resolution or other matters not before the House.

Rule ~~18~~17. Any bill temporarily carried over and not brought back up for consideration during the same legislative day in which it was carried over shall resume its regular place on the calendar.

Rule ~~19~~18. Any bill carried over to a day certain shall appear on the calendar on that day as unfinished business.

Rule ~~20~~19. A motion to adjourn shall always be in order, even in the absence of a quorum.

Rule ~~21~~20. The previous question shall be in the following form, and shall be in writing: "I move the previous question." If demanded by a vote of a majority of the members present and voting, its effect shall be to cut off all debate and bring the House to a direct vote, first upon the pending substitutes and/or amendments, if there be any, in their order, and then on the main question; but If the call of the previous question is sustained, the mover of the question and the opponents of the bill or resolution shall have the right to speak for not more than a cumulative total of ten minutes before the member having charge of the bill or resolution shall have the right to close the debate, after the call of the previous question has been sustained, for not more than ten minutes.

Rule 21. The following are classified as procedural motions and are not subject to substitute motions or debate: to adjourn, to recess, to suspend the rules, to lay on the table, to remove from the table, to reconsider, and the previous question.

Rule 22. The motion to adopt a budget isolation resolution on a bill is subject to limited debate which shall not exceed ten minutes.

Rule ~~22~~23. Bills, motions, and reports and resolutions may be recommitted at the pleasure of the House.

Rule ~~23~~24. The tabling of an amendment or subsidiary motion shall not have the effect of carrying with it the original proposition.

Rule ~~24~~. ~~When the principal Alabama Special Educational Trust Fund Appropriation Bill and the principal General Fund Appropriation Bill are before the House for debate on third reading, before any vote is taken on either of such bills, there shall be provided time for discussion by the members of the House on the House floor. During the discussion, the chairman of the Ways and Means committee, assisted by the Legislative Fiscal Officer and State Budget Officer, who shall, when needed have privilege of the floor; when requested by a member of the House shall explain the bill or those pages or items as per request of the House member. When any changes in either of such bills are offered either by the Senate, by Executive Amendment or by Conference Committee report there shall also be provided time for discussion by the members of the House on the House floor.~~

Rule 25. Any member may call for a division of the question when the sense

of the proposition will admit it.

Rule 26. No member shall speak more than ten minutes at any time, except as provided in Rule 401.

Rule 27. ~~When the ayes and nays are desired, the Speaker shall be first called, and if~~ the House be is equally divided on a recorded vote, the question shall be lost.

Rule 28. When a vote has been announced by the Speaker - except on the previous question, or on a motion to lay on the table, or to take from the table - it shall be in order for any member who voted with the prevailing side to move for a reconsideration thereof; **Provided**, that the motion is made on the same day, or by filing a written motion with the Clerk within one hour after reading the ~~journal~~ on the succeeding day. Such motion shall be considered forthwith after disposition of any business then before the House or any business taking precedence thereto, unless by a majority vote the same be fixed for consideration at another time. When a motion for reconsideration is decided that decision shall not be reconsidered and no question shall be twice reconsidered. **Provided**, that a motion to reconsider a vote upon any incidental or subsidiary question shall not remove the main subject under consideration from the House.

Rule 29. No member shall be permitted to explain his vote after a vote has been ordered upon any question except by unanimous consent.

Rule 30. When taking the yeas and nays the electrical roll call system may be used, and when so used, it shall have the same force and effect as a roll call taken viva voce.

When the House is ready to vote upon any question requiring a roll call and the vote is to be taken by the electrical roll call system, the Speaker shall announce: "The question is on (designating the matter to be voted upon). All in favor of such question shall vote 'yea', all opposed, 'nay'. ~~The House will now proceed to vote~~ Clerk will unlock the machine and the members will vote."

The Clerk immediately shall start the vote-recording equipment and when every member has voted, he shall lock the machine; and record the vote; ~~and advise the Speaker of the result~~; the Speaker shall announce the vote to the House.

Any member shall be privileged to vote or change his vote after the vote-recording equipment has ~~started to operate~~ been locked, by rising in his seat, obtaining recognition from the Speaker, and announcing his vote before the result of the vote has been announced by the Speaker.

No member shall vote for another member, except by unanimous consent; nor shall any person not a member cast a vote for a member. ~~In addition to such penalties as may be prescribed by law, any member who votes or attempts to vote for another member may be punished in such manner as the House may determine. If a person not a member votes or attempts to vote for any member, he shall be barred from the floor of the House for the remainder of the session, and he may be punished further in such manner as the House may deem proper.~~

Rule 31. The members of the House shall vote by recorded vote on any legislation relating to any per diem, expense allowance, mileage or any pay or compensation whatsoever for members of the House.

Rule 32. When any person sitting in the balcony attempts to attract attention of any one on the floor by word, deed or otherwise or when any person in the balcony makes gestures to attract attention from the floor and by his conduct commits any other action deemed by the Speaker to be detrimental to the orderly business of the House, such person shall be ousted from the balcony.

Rule 33. Any bill providing for or dealing with pari-mutuel betting, gambling or games of chance, any bill providing for or dealing with hazardous waste, and any bill providing for or dealing with inter-county annexation shall be treated as a general bill. Further, any legislation creating a new pari-mutuel betting or gambling facility, or affecting an existing facility, shall first be assigned to the appropriate local legislation committee, and if receiving a favorable report from said committee, shall then be assigned to an appropriate standing committee.

RULES RELATING TO MEMBERS OF THE HOUSE

Rule 34. No member shall absent himself from the sessions of the House, unless he may have leave, be sick, or unable to attend.

No ~~male~~ member of the House or any person who has privileges of the floor, except television cameramen, shall be admitted upon the floor of the House while the House is in session unless properly attired. Minimum standards of dress shall consist of the wearing of a coat and tie by males and the wearing of a suitable dress or an appropriate blouse and skirt or pants suit by females.

~~No female member of the House or any other female who has privileges of the floor, except television cameramen, shall be admitted upon the floor of the House while the House is in session unless properly attired. Minimum standards of attire shall consist of the wearing of a suitable dress or an appropriate blouse and skirt or pants suit.~~

Minimum attire for pages shall be the same as for members.

Rule 35. No food shall be consumed in the House Cchambers allowed on the floor of the House except from 7:30 a.m. to 8:30 a.m., 12:00 p.m. to 1:00 p.m. and 5:00 p.m. to 6:30 p.m.; nor shall there be any smoking of tobacco or any other products or other use of tobacco.

Rule ~~35A~~36. No complimentary items, souvenirs, or gifts of food ~~are to~~ shall be placed or distributed on the floor of the House ~~members' desks in the House Chamber. Such items may either be distributed by the Clerk of the House in a designated place outside the House Chamber or placed in members' offices.~~

Rule ~~36~~37. No personal computers or typewriters shall be allowed on the House floor.

Rule ~~37~~38. ~~Fifteen~~Eleven members shall have power to send for absent

members or to move a call of the House, but no call of the House shall be made except on the concurrence of a majority of the members present. A majority of the House shall be a quorum to transact business. If those who vote are sufficient in number to show that a majority constituting a quorum so acted, those who thus voted only shall be counted as constituting the House for the purpose of that vote; but when any question is put to the House, and a quorum is not recorded as voting, the Speaker shall, before announcing the vote, ~~on his own motion or on suggestion of any member of the House,~~ instruct the Clerk to record as present a sufficient number of those members physically present in the House to constitute a quorum, though all present are not participating.

Rule 3839. Members shall particularly forbear personal reflections, and no member shall name another nor use profanity in argument or debate.

~~No member shall use profanity during any discussion, argument or debate.~~

When any member ~~is about~~desires to speak or deliver any matter to the House, he shall ~~rise from his seat and~~ respectfully address himself to the Speaker ~~from his seat and request recognition.~~

Rule 3940. ~~When microphones are attached to the individual desk of the Legislator, there must be a central panel for control of same. Before a microphone is activated by the person in charge of the microphones, the member must be has been~~ recognized by the Speaker ~~from his seat and upon recognition, either his microphone is~~shall be activated or he shall be directed to speak from the podium.

Rule 4041. No member shall speak more than twice on the same question without leave of the House, unless he be the mover proposing the matter pending, in which case he shall be permitted to speak in reply, ~~but not until every member choosing to speak shall have spoken.~~

Rule 4142. ~~Upon the call of the House~~ If a vote is taken viva voce, the names of members shall be called alphabetically and each member shall answer from his seat.

Rule 4243. When a vote is taken by ayes and nays and a member who has been absent returns before the question is decided, he shall be privileged to make inquiry of the subject before the House and to record his vote without discussion.

Rule 4344. If any member transgresses the rules, in speaking or otherwise, the Speaker shall, or any member may, call him to order, in which case the member called to order shall immediately sit down, unless he is allowed to explain; and the House shall, if appealed to, decide on the case without debate. If the decision be in favor of the member called to order, he shall be at liberty to proceed; if otherwise, and the case requires it, he shall be liable to censure.

RULES RELATING TO THE PRESIDING OFFICER

Rule 4445. The Speaker shall preserve order and decorum. In doing so: (1) He may speak to points of order in preference to other members, ~~rising from the Chair for that purpose;~~ (2) He shall decide questions of order, subject to an appeal to the House at the request of any members, which appeal shall be decided

without debate; ~~(3) Whenever necessary to provide safety and security for the members and staff, or upon the request of eleven (11) members, he shall direct the Clerk to clear the fifth-floor halls and offices of the State House of all unauthorized persons.~~

Rule 4546. The Speaker shall have a right to name any member to perform the duties of the Chair, but such substitution shall not extend beyond an adjournment; ~~or he may designate a member as Speaker pro tem and the member so designated shall have and exercise all the powers and duties of Speaker for the time such member is acting as Speaker.~~

Rule 47. The member elected as Speaker pro tem shall serve as Speaker in the Speaker's absence and shall have and exercise all the powers and duties of Speaker for the time such member is acting as Speaker.

Rule 4648. When two or more members ~~rise~~ seek recognition at the same time, the Speaker shall name the person who is to speak first and shall direct the location from which the member is to speak.

Rule 4749. All questions shall be distinctly put in this form, viz: "Those in favor (as the question may be) vote 'aye'," and after the Affirmative voice is expressed, "Those opposed to the motion vote 'no'." If the Speaker doubts, or if a division is called for requested by a member and sustained by ten other members before a decision is announced, the members shall ~~divide; those for the affirmative of the question shall rise from their seats, and afterwards those in the negative vote by recorded vote.~~

Rule 4850. The Speaker shall appoint all committees, unless otherwise directed by the House, and he may designate who shall be chairmen and vice-chairmen.

Rule 4951. After the House of Representatives has adjourned sine die at the end of any regular session, the Speaker is hereby authorized to rename the membership of each standing committee. Such constituted standing committees shall take effect at the next regular or special session or at the time of the assignment thereto.

RULES RELATING TO COMMITTEES

Rule 5052. The following shall constitute the standing committees of the House:

- (1) Rules
- (2) Ways and Means
- (3) Judiciary
- (4) State Administration
- (5) Business and Labor

- (6) Health
- (7) Banking
- (8) Insurance
- (9) Education
- (10) Agriculture, Forestry and Natural Resources
- (11) Public Welfare
- (12) Constitution and Elections
- (13) Public Utilities and Transportation Commerce, Transportation, and Utilities
- (14) Commerce and Industrial Development and Economic Growth
- (15) Local Government
- (16) Military Affairs
- (17) Highway Safety
- (18) Small Business
- (19) Oil and Gas
- (20) Tourism, Entertainment and Sports
- (21) Local Legislation No. 1
- (22) Local Legislation No. 2
- (23) Local Legislation No. 3
- (24) Local Legislation No. 4
- (25) Local Legislation No. 5
- (26) Local Legislation No. 6

Rule 5153. No committee shall sit during the sitting of the House without special leave permission.

Rule 5254. Upon a vote of a majority of the whole House any standing committee may be directed to act either favorably or unfavorably at the committee's discretion on any bill which shall have been referred to such committee, and to report the same its action to the House at its next sitting, in default of which such committee, or any of its members, shall be subject to such

~~censure as the House may impose.~~ **Provided**, that one day's notice in writing shall have been given to the House immediately after the call of the districts.

Rule 5355. When the chairman of a committee is absent, the vice-chairman, if any, if not the member whose name appears next on the committee, shall, during the absence of the chairman, become chairman, and have power to call together the committee for the consideration of bills. A majority of the committee shall constitute a quorum for the transaction of business provided, however, that this limitation shall not apply to uncontested local bills ~~being considered by one of the local legislative committees.~~

~~Reasonable effort shall be made to notify all members when a meeting is called.~~

Rule 56. A majority of the members of a committee may call a meeting of the committee at any time by giving each member a minimum of two (2) legislative days' notice and by posting on the Committee Announcement Board in ~~the House Chamber~~ a notice of such meeting at least two legislative days in advance of the time set for the meeting. Such notice shall give the date, place and time of the meeting, shall be signed by each of the members so calling the meeting and the total number so signing shall be at least a majority of the whole membership of the committee. ~~Such notice shall be posted at least two (2) legislative days in advance of the time set for the meeting.~~

Rule 57. ~~Further,~~ a committee may not take action on a bill except when said committee is in session, and this provision may not be waived by a majority signing petitions or other procedural documents.

~~Provided further that, as to bills relating only to Madison or Montgomery County, a majority of the members of the House representing portions of the respective county to which a particular bill relates shall constitute a quorum of the Legislation No. 4 Committee.~~

Rule 5458. The chairman of any House standing committee, excepting the Rules Committee on Rules and Local Legislation the Committees on Local Legislation, shall give notice in writing to the members of said committee at least four hours prior to the meeting; and such notice shall include a listing by number of all bills to be considered at said meeting. Notice shall be accomplished (1) by placing said notice in the committee members' mail boxes and (2) by posting said notice on the notice boards.

Rule 5559. No House standing committee can meet and take action on any bill assigned to it on the same calendar day said bill is assigned to it, except committees on local legislation.

Rule 60. The chairman of a House standing committee shall honor a written request for a public hearing on a bill if such request is received by the chairman prior to the posting of the notice of the committee meeting at which the bill is to be considered.

Rule 5661. The chairman of the standing committee on Local Legislation No.

I shall be authorized to report any bill out of that committee without meeting of that committee if he has the unanimous consent of all ~~committee~~ House members whose districts are affected thereby to do so. ~~Any member of the committee may revoke his name from said consent list by presenting the chairman with a written request to have his name withdrawn from such list by the proposed legislation.~~

Rule 5762. All resolutions shall be referred to and reported from the Committee on Rules before they are voted on.

~~All resolutions requiring an appropriation must be first referred to the Rules Committee and lay over one legislative day, provided, however, this rule shall not apply on the last legislative day of any regular or special legislative session.~~

Rule 5863. Every bill the principal purpose of which is to make an appropriation shall be referred to the Committee on Ways and Means before being placed on the calendar. ~~When any bill making an appropriation is previously referred to another committee and reported favorably, it may be re-referred to the Committee on Ways and Means, which shall act upon said bill and return the same to the House within two weeks.~~ No provisions of this rule shall apply to local bills that do not affect state revenue.

Rule 5964. No special committee, except a committee of inquiry, shall report but upon leave granted by vote of the House. A committee of inquiry may report at any time.

Rule 6065. The rules of procedure in the House shall be observed in Committees as far as they may be applicable. **Provided**, that Rule 29 and the previous question rule shall not be applicable.

~~Rule 60A66.~~ The chairman of a House standing committee shall take a recorded vote on any motion if requested by a committee member and sustained by one (+) additional committee member.

Rule 6167. Upon introduction it is required that the synopsis on general bills include a statement of the source of funding if funding is involved in the bill. Also, local bills affecting state revenue shall be included. If the provisions herein are not complied with, the Clerk shall not accept such bill for introduction.

Rule 6268. In all bills that increase any state retirement benefits or any bill that adds to any existing state retirement fund, any group or individuals which are not currently covered by a retirement bill, such bill must be accompanied by a bill of which the principal purpose is to raise revenue to meet the additional expenses in the retirement program; such bill raising revenue must be passed before the retirement benefit bill is passed.

RULES RELATING TO THE CLERK AND THE JOURNAL

Rule 6369. The name of a member who introduces a bill or joint resolution shall be by him endorsed upon the same, and shall be inscribed by the Clerk upon

the engrossed and enrolled copies when transmitted to the Senate or the Governor.

Rule 6470. The Clerk shall, upon introduction of a bill, immediately make a photo copy to be designated as a second official copy and to be used as a replacement in the event the original bill is lost, misplaced or destroyed.

Rule 6571. When a bill passes it shall be certified by the Clerk, who shall note the date of its passage at the foot thereof.

Rule 6672. Communications from the House of Representatives to the Senate shall be under the signature of the Clerk. When House Bills are signed by the Speaker, the Clerk must by message notify the Senate and request the signature of the President.

Rule 6973. All bills acted upon by the committees shall be endorsed as follows:

This bill having been referred by the House to its Standing Committee on was acted upon by such committee in session and returned therefrom to the House with the recommendation that it be passed.

Rule 6874. The Clerk shall furnish to the members daily a printed calendar of all bills and resolutions on third reading, which bills and resolutions shall be arranged in the order in which they are entitled to consideration.

Rule 6975. Any member may have a bill photo copied upon the filing of a request with the Clerk.

Rule 7076. Every bill making an appropriation from the state treasury or increasing or decreasing state revenue shall, before any vote is taken thereon by a committee, have endorsed thereon or attached thereto a fiscal note prepared by a legislative fiscal officer estimating the amount of money involved, and the anticipated increase or decrease in public spending or the increase or decrease in revenue collections under the provisions of the bill. Said fiscal note shall be printed on the calendar of bills on third reading following the title of the bill.

Rule 7177. There shall be printed on the calendar of bills on the third reading, immediately following the title of every bill which would amend a section or part of the Code by reference to its number only, a brief statement of the general subject to which such section or part of the Code relates. ~~The Clerk of the House shall see to it that this rule is enforced.~~

Rule 7278. Whenever the House calendar contains more than twenty-five pages, either the first or last page thereof shall have printed thereon a numerical list of all House bills and all Senate bills on the day's calendar with the number of the page on which the bill appears printed opposite the number of the bill.

Rule 7379. The Clerk shall appoint a Reading Clerk for the House.

Rule 7480. Whenever a substitute to a bill or resolution is not adopted, it shall be printed in the Journal by title only.

Rule 81. Rules shall be enforced either by the Speaker or by the Clerk, as appropriate.

Rule 82. On all matters not specifically addressed in these rules, Mason's Manual of Legislative Procedure, 1989 Edition, shall apply.

MOTION TO ADOPT

Representative Campbell offered the motion to adopt the resolution, H.R. 12.

AMENDMENT OFFERED

Representative Newton (D) offered the following amendment to the resolution, H.R. 12:

Amend H.R. 12 on page 9, line 5, after the word "Speaker" by adding the following language: or presiding officer.

Further amend on page 9, at the end of line 7, by adding the following language: Any member of the House who deems any person guilty of conduct described above may request the Speaker to oust such person from the balcony. If the Speaker does not agree with the member, the member shall be entitled to a vote of the full House.

AMENDMENT ADOPTED

And the amendment was adopted.

AMENDMENT OFFERED

Representative Campbell offered the following amendment to the resolution, H.R. 12, as amended:

Amend House Resolution 12 on Page 1, Line 14, by deleting the following: halls and offices

Further amend House Resolution 12 on Page 1, Line 16, by deleting the following: halls and offices

Further amend House Resolution 12 on Page 12, Line 16, by adding the following: Whenever necessary to provide safety and security for the members and staff, or upon the request of eleven (11) members, he shall direct the Clerk to clear the fifth floor halls and offices of the State House of all unauthorized persons.

AMENDMENT ADOPTED

And the amendment was adopted.

**REPORT OF THE STANDING COMMITTEE
ON RULES ON ENROLLED AND ENGROSSED BILLS**

Mr. Speaker:

Your Standing Committee on Rules begs leave to report that it has examined the following House Joint Resolutions, to-wit:

H.J.R. 2. COMMITTEE APPOINTED TO NOTIFY GOVERNOR LEGISLATURE IS IN SESSION

Also:

H.J.R. 4. CREATING A LEGISLATIVE PARKING COMMITTEE

Also:

H.J.R. 6. RELATIVE TO MEETING DAYS AND JOINT SESSION

Also:

H.J.R. 7. SETTING JOINT SESSION

Also:

H.J.R. 8. SETTING JOINT SESSION

Also:

H.J.R. 9. EXPRESSING THE LEGISLATURE'S SUPPORT OF PRESIDENT BUSH AND OF U. S. TROOPS IN SAUDI ARABIA.

And finds same correctly enrolled.

TOMMY CARTER
Chairman

SIGNING OF HOUSE JOINT RESOLUTIONS

The Speaker of the House, in the presence of the House, immediately after the titles had been publicly read by the Clerk, the reading at length having been dispensed with by a two-thirds vote of a quorum present, signed the House Joint Resolutions, the titles of which are set out in the foregoing Report of the Standing Committee on Rules.

H.R. 12 RESUMED

AMENDMENT OFFERED

Representative Payne offered the following amendment # 1 to the resolution, H.R. 12, as amended:

Amend H.R. 12 on page 1, Section Rule 1 (1) line 31 by striking after the word shall the following: request permission of the Speaker to receive not have privileges of the floor.

and inserting in lieu thereof, the following: be removed from the floor of the house at the request of any house member and direction of the Speaker.

AMENDMENT LOST

And the amendment was lost.

Yeas 32; Nays 35.

Yea:

Representatives Biddle, Black (M), Blakeney, Burke, Cosby, Drake, Ford, Freeman, Hall, Haynes, Hill, Holley, Holmes, Hooper, Mathis, McClain, McMillan, Mikell, Morton, Newman, Newton (D), Payne, Penry, Perdue, Poole, Powell, Rich, Richardson, Rogers (F), Smith (R), Turner and Warren.

-32

Nay:

Mr. Speaker, Anderson, Bowling, Box, Bugg, Buskey (JE), Cagle, Campbell, Carothers, Carter, Clark (W), Cullins, Curry, Dolbare, Grayson, Gullatt, Hammett, Harper, Harvey, Hawkins, Hogan, Holladay, Johnson, Kvalheim, Laird, McDowell, Newton (C), Parker (T), Petelos, Rockhold, Thomas, Turnham, Venable, Walker and Zoghby.

-35

AMENDMENT OFFERED

Representative Holley offered the following amendment to the resolution, H.R. 12, as amended:

Amend H.R. 12 by deleting lines 18-20 on page 6 in their entirety. Renumber subsequent rules.

AMENDMENT ADOPTED

And the amendment was adopted.

AMENDMENT OFFERED

Representative Payne offered the following amendment # 2 to the resolution, H.R. 12, as amended:

Amend H.R. 12 on page 1, Section Rule 1 (1) line 31 by striking after the word shall the following: request permission of the Speaker to receive not have privileges of the floor.

and inserting in lieu thereof, the following: not have privileges of the floor on any legislative day in which there is a bill before the House in which they are being paid to represent any interest for or against.

AMENDMENT LOST

And the amendment was lost.

Yeas 31; Nays 42.

Yea:

Representatives Anderson, Biddle, Burke, Clay, Cosby, Drake, Flowers, Ford, Gaines, Hawkins, Haynes, Hill, Holley, Holmes, Mathis, McClain, McDaniel, McMillan, Mikell, Morton, Newman, Newton (D), Payne, Perdue, Poole, Richardson, Sanderson, Thomas, Turner, Warren and Williams.

-31

Nay:

Mr. Speaker, Bowling, Box, Bryant, Bugg, Buskey (JE), Cagle, Campbell, Carns, Carter, Clark (W), Crow, Cullins, Curry, Fuller, Gullatt, Hammett, Harper, Higginbotham, Hogan, Holladay, Johnson, Knight, Laird, Letson, McDowell, McKee, Millican, Morrow, Newton (C), Parker (P), Parker (T), Penry, Petelos, Powell, Rockhold, Spratt, Starkey, Turnham, Venable, Willis and Zoghby.

-42

AMENDMENT OFFERED

Representative Carothers offered the following amendment to the resolution, H.R. 12, as amended:

Amend H.R. No. 12 Page 10 Rule 35 Line 10, as follows: striking the words or other use of

AMENDMENT LOST

And the amendment was lost.

Yeas 27; Nays 32.

Yea:

Representatives Barnes, Burke, Cagle, Carothers, Carter, Cosby, Dolbare, Drake, Ford, Freeman, Gaines, Hall, Higginbotham, Hill, Hogan, Johnson, Letson, Mathis, McClain, Newman, Newton (C), Parker (P), Poole, Smith (R), Turner, Warren and White.

-27

Nay:

Representatives Anderson, Box, Bryant, Buskey (JL), Campbell, Carns, Clay, Crow, Cullins, Curry, Fuller, Gaston, Hammett, Holmes, Laird, McDowell, McKee, Morton, Newton (D), Parker (T), Penry, Perdue, Powell, Rich, Richardson, Rockhold, Sanderson, Smith (C), Spratt, Venable, Willis and Zoghby.

-32

AMENDMENT OFFERED

Representative McKee offered the following amendment #1 to the resolution, H.R. 12, as amended:

Amend H.R. 12, page 8, line 22 by striking the following language: except by unanimous consent

Further amend on page 11, lines 6 through 16 by striking the language in its entirety and inserting the following language. Rule 40. When a member desires to speak he shall activate the speak button at his desk and respectfully request recognition from the Speaker.

When a member has been recognized by the Speaker either his microphone shall be activated or he shall be directed to speak from the podium.

AMENDMENT LOST

And the amendment was lost.

Yeas 33; Nays 46.

Yea:

Representatives Blakeney, Box, Bryant, Buskey (JL), Carter, Clark (W), Crow, Drake, Ford, Gaines, Grayson, Gullatt, Higginbotham, Hill, Holley, Kvalheim, Laird, McKee, McMillan, Mikell, Morton, Newton (C), Payne, Penry, Poole, Powell, Rich, Richardson, Sanderson, Smith (R), Turner, Venable and White.

-33

Nay:

Mr. Speaker, Beasley, Black (L), Black (M), Cagle, Campbell, Carns, Carothers, Clay, Cullins, Curry, Dolbare, Flowers, Freeman, Fuller, Gaston, Hall, Hammett, Harper, Harvey, Hawkins, Haynes, Hogan, Holmes, Johnson, Knight, Mathis, McClain, McDowell, Melton, Morrow, Newman, Newton (D), Parker (P), Parker (T), Perdue, Petelos, Rogers (F), Smith (C), Spratt, Starkey, Thomas, Turnham, Warren, Willis and Zoghby.

-46

AMENDMENT OFFERED

Representative McKee offered the following amendment #2 to the resolution, H.R. 12, as amended:

Amend H.R. 12 on page 11, lines 6 through 16 by striking the language in its entirety and inserting the following language. Rule 40. When a member desires to speak he shall so indicate by pressing the speak button at his desk and respectfully request recognition from the Speaker.

When a member has been recognized by the Speaker either his microphone shall be activated or he shall be directed to speak from the podium.

AMENDMENT ADOPTED

And the amendment was adopted.

AMENDMENT OFFERED

Representative Holmes offered the following amendment to the resolution, H.R. 12, as amended:

Amend H.R. 12 on page 6, line 26, by adding the following:

Rule 24A. When the principal Alabama Special Educational Trust Fund Appropriation Bill and the principal General Fund Appropriation Bill are before

the House for debate on third reading, before any vote is taken on either of such bills, there shall be provided time for discussion by the members of the House on the House floor. During the discussion, the chairman of the Ways and Means committee, assisted by the Legislative Fiscal Officer and State Budget Officer, who shall, when needed have privilege of the floor; when requested by a member of the House shall explain the bill or those pages or items as per request of the House member. When any changes in either of such bills are offered either by the Senate, by Executive Amendment or by Conference Committee report there shall also be provided time for discussion by the members of the House on the House floor.

AMENDMENT ADOPTED

And the amendment was adopted.

AMENDMENT OFFERED

Representative Turner offered the following amendment to the resolution, H.R. 12, as amended:

Amend H.R. 12 on page 12, line 20 by adding the following language: "Provided, however, if the Speaker desires to make an editorial comment concerning the merits of an issue under consideration, he shall rise from the chair for that purpose."

AMENDMENT ADOPTED

And the amendment was adopted.

RESOLUTION ADOPTED

On motion of Representative Campbell, the resolution, H.R. 12, as amended, was adopted.

Also:

By Representative Campbell:

H.J.R. 13. ADOPTING JOINT RULES OF THE TWO HOUSES OF THE LEGISLATURE OF ALABAMA FOR 1991.

**JOINT RULES
OF THE TWO HOUSES OF THE LEGISLATURE OF
ALABAMA
1991**

1. Messages from one house to the other shall take precedence over all other questions.

2. When House or Senate bills are signed by the presiding officer of the House or Senate, the Clerk or Secretary, as the case may be, shall notify the other house and request the signature of the presiding officer to the same, and as soon as the message is read, the presiding officer shall immediately sign the bills in the presence of the House or Senate, as prescribed by the Constitution.

3. No local or special bill shall be introduced into either house unless the member who introduces it discloses at the time the fact that the notice required by the Constitution and laws has been given, and submits one copy of the notice and proof thereof attached to the bill.

4. No bill amending a section or part of the Code by reference to the section or other subdivision of the Code shall be introduced into either house unless the title thereof contains a brief statement of the general subject, independent of references to the Code section, to which such section or subsection relates.

5. The Secretary or the Clerk, as the case may be, shall, when a bill is duly enrolled and signed by the presiding officers of both houses, deliver the bill to the Governor noting thereon the day and hour and minute of delivery, and he shall make a written report to the house where the bill originated showing the number of the bill and time of delivery, which shall be spread upon the Journal.

6. All official printed legislative documents placed in the custody of the Clerk of the House and the Secretary of the Senate shall be assigned a number by the Secretary or the Clerk and the number, year and the session shall clearly appear on the title page of the document.

7. The printer shall print fifty copies of each legislative document for the use of the Department of Archives and History, unless otherwise ordered by the Director.

8. The privileges of the floor of both houses are accorded the Directors and employees of the Department of Archives and History and the Legislative Reference Service and the Legislative Fiscal Officer and employees of the Legislative Fiscal Office and the Director of the Alabama Law Institute in aid of the reference work required by law to be done for members of the Legislature.

9. The presiding officer of the Senate shall preside when the two Houses meet in joint sessions.

10. During the period between the end of a regular session and the convening of the next regular session, except for the period between the end of the last regular session in the quadrennium and the general election, members may deliver bills to the Clerk or Secretary. This shall be known as "prefiling." Such bills shall be numbered by the Clerk or Secretary in the order of receipt and otherwise processed for introduction when the regular session has been convened. Pre-filed bills shall be assigned by the presiding officer to a standing committee for study and shall be formally referred to the same committee upon commencement of the regular session.

11. Resolutions of sympathy, commendation or congratulations shall be by

House resolution or by Senate resolution and shall be filed with the Secretary of the Senate or the Clerk of the House who shall cause the respective journals to reflect that such resolution was filed by inserting the title thereof in their respective journals; the Secretary or the Clerk, respectively, shall prepare appropriate copies for distribution; provided, however, by suspension of the rules such resolutions shall be made a part of the journals.

12. (a) No bill amending an existing statute shall be accepted for introduction in the Legislature unless:

(1) the language to be deleted is stricken through (example: ~~stricken through~~) and (2) the language to be inserted is underscored (example: underscored).

(b) All amendments to bills shall refer to the line or lines to be amended by number and shall strike out the language to be deleted and underline the new language.

(c) No bill shall be accepted by the Secretary or Clerk for introduction unless it is a legible copy and is typed on 8 1/2" by 14" paper with numbered, double-spaced lines.

(d) The provisions of this rule shall not apply to local bills; however, effective in January 1984, drafts of all local legislation bills which are for introduction at any Session of the Legislature, and which are not prepared by the Legislative Reference Service, must be presented to the Legislative Reference Service for review of proper form and for entry into the Legislative Data Bank at least ten (10) days prior to introduction.

(e) No resolution, as provided for in Section C of Section 1 of Act No. 81-889 may be introduced until the bill described in the resolution appears on the regular calendar of the house in which the resolution is offered.

Further provided that such resolution shall have been prepared by the Legislative Reference Service or the office of the Clerk of the House or the Secretary of the Senate.

13. All bills, except local bills, introduced in the House and Senate shall have printed at the top of the bill a brief synopsis of the contents.

14. All members of the House and Senate, the press corps, employees of the two houses and any guests or visitors on the floors of the State House used by the Legislative Branch, are prohibited from carrying a firearm or any other thing that might be construed to be a lethal weapon. This rule will not apply to employees of the two houses who are security officers nor to members of the State Troopers who are in their official capacities.

RULES RELATING TO COMMITTEES

15. A Committee on Conference to reconcile the difference on pending legislation between the two houses of the Alabama Legislature shall consist of six members, three of whom shall be members of the House, appointed by the Speaker thereof, and three from the Senate to be appointed by the President of the

Senate. The Committee on Conference shall not report unless there be an affirmative vote of at least four members which must consist of at least two votes by the conferees from each house. The report of the Committee on Conference shall be attached to the pending legislation and returned to the house of origin for such action as that house may deem appropriate. The house of origin may take one of the following courses of action:

a. They may concur in the Committee on Conference report and, in the event of this action, the bill and the Conference Committee report shall be sent to the other house for action.

b. The house of origin may reject the Conference Committee report, in which case the pending legislation is automatically void.

c. The house of origin may reject the report of the Committee on Conference and request that a new committee be appointed by the respective presiding officers.

In the event the house of origin adopts the Committee on Conference report, the pending legislation together with the report of the Committee on Conference, shall be submitted to the other house for action in the same manner as in the house of origin.

In the event the minority wishes to submit a report, the house of origin shall first consider the majority report, after which it may then consider accepting the minority report.

In the event of a majority report rejection, the minority report may be considered and, if concurred in by the house of origin, the same shall be presented to the other house for action by that house.

The Committee of Conferees shall report substantially as follows:

We, the Committee of Conferees appointed to reconcile the difference between the two Houses concerning House Bill/Senate Bill _____ have met, considered the matter, and agreed to the following:

(Example: Substitute for H.B./S.B. _____ is attached).

(Example: Amend H.B./S.B. _____ as follows:)

Name

Name

Name

CONFEREES OF THE HOUSE

 Name

 Name

 Name

CONFEREES OF THE SENATE

16. All amendments or revisions to redistricting plans, following introduction as a bill, shall be drafted by the Reapportionment Office.

17. Drafts of all redistricting plans which are for introduction at any session of the Legislature, and which are not prepared by the Reapportionment Office, must be presented to the Reapportionment Office for review of proper form and for entry into the Legislative Data Bank at least ten (10) days prior to introduction.

RULES RELATING TO LOBBYING

1618. Those Required to Register. All persons, except members of the Alabama Legislature, who seek to encourage the passage, defeat or modification of any legislation in either House of the Legislature or before its committees shall, before engaging in such activities, register with the Secretary of the Senate and the Clerk of the House, respectively. Every registrant, in accordance herewith, shall also be required to state the extent of any direct business association or partnership with any current member of the Legislature. This rule includes all persons representing any segment of municipal, county, state or federal government, or municipal, county, state, or federal government employees, and employees of newspapers, magazines, or journals, that are compensated by any person, firm, corporations, or associations other than the news media by which they are employed.

1719. Method of Registration. Each calendar year every such person shall register on forms prepared by the Secretary and Clerk, respectively, and shall state his name and business address, the name and business address of his principal or principals, the general and specific areas of his legislative interest, and the duration of his agency.

No registered lobbyist shall be permitted upon the floor of either house while it is in session, except as otherwise provided.

1820. Registration Exception. Any person who, on an isolated basis and without intent to continue beyond a single day during a session of the Alabama Legislature, merely appears before a committee or committees in his individual capacity, or on behalf of a corporation, partnership or other business entity, with which such person is regularly associated as an employee, officer or partner without receiving additional salary or compensation, other than reasonable and ordinary travel expense, to express support or opposition to any legislation, and who shall so declare to the members of any committee, or to the committee as a

whole, with whom he discusses any proposed legislation, shall not be required to register as a lobbyist.

1921. **Obligations of Lobbyist.** A lobbyist shall supply facts, information, and opinions of principals to legislators from the point of view from which he openly declares. A lobbyist shall not offer or propose anything to improperly influence the official act, decision, or vote of a legislator.

A lobbyist, by personal example and admonition to colleagues, shall uphold the honor of the legislative process by the integrity of his relationship with legislators.

A lobbyist shall not knowingly and willfully falsify a material fact or make any false, fictitious, or fraudulent statement or representation or make or use any writing or document knowing the same contains any false, fictitious, or fraudulent statements or entry.

2022. **Rules Committee Advisory Opinions.** A Lobbyist, when in doubt about the applicability and interpretation of this rule in a particular context, may submit in writing a statement of the facts involved to the Joint Committee on Rules and may appear in person before said committee.

2123. **Penalties for Violations.** Separately from any prosecutions or penalties otherwise provided by law, any person determined to have violated the requirements of these rules shall be censured, reprimanded, placed on probation or prohibited from lobbying for the duration of the session and from appearing before any committee of the Legislature. Said determination shall be made by a majority of the respective House upon recommendation of the Joint Committee on Rules. The Joint Committee on Rules, before making said recommendation, shall conduct a hearing, after notifying the person alleged to have violated this rule and granting such person an opportunity to appear at the hearing.

2224. **Secretary to Provide Forms.** The Secretary of the Senate or the Clerk of the House shall provide blank affidavits for the convenience of registrants but the burden of compliance nevertheless always shall be upon the person required to register.

2325. **Committees to be Diligent.** Committees shall be diligent to ascertain whether those who appear before them in other than an obviously individual capacity have conformed with the requirements of this rule, and to report violations. No committeeman knowingly shall permit an unregistered lobbyist to be heard.

On motion of Representative Campbell, the resolution, H.J.R. 13, was adopted.

H.J.R. 11 RESUMED

AMENDMENT OFFERED

Representative Cosby offered the following amendment to the resolution, H.J.R. 11:

Amend H.J.R. 11, page 2, immediately following line 18 by adding the following language:

BE IT FURTHER RESOLVED, That the compensation paid to members of the Legislature shall not be increased during their term of office after the passage of H.J.R. 11. Any future increase in compensation to members of the Legislature shall be set for the succeeding term of office.

AMENDMENT ADOPTED

And the amendment was adopted.

RESOLUTION ADOPTED

On motion of Representative Rogers (J), the resolution, H.J.R. 11, as amended, was adopted.

PERMISSION GRANTED

Permission was granted for the Journal to reflect that Representatives Haynes, Holley and Johnson would have voted "Nay" on the resolution, H.J.R. 11, had they been in the Chamber at the time of voting.

Also:

By Representative Campbell:

H.R. 14. RELATIVE TO MEETING DAYS

BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES, That when we adjourn today, Wednesday, January 9, 1991, we adjourn to meet again on Tuesday, January 15, 1991, at 11:00 A.M.

On motion of Representative Campbell, the rules were suspended and the resolution, H.R. 14, was adopted.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and adopted the following Senate Joint Resolution

and sends same herewith to the House for its consideration:

By Senator Horn:

S.J.R. 9. CREATING AN INTERIM COMMITTEE ON FINANCES AND BUDGETS.

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, that there is hereby created an Interim Committee on Finances and Budgets to meet during the interim periods between the regular sessions of the Legislature, during which periods the members, including Ex Officio members, shall each be entitled to, and shall receive, fifty dollars per day in addition to the same daily legislative compensation, expense allowances, per diem and other compensation which they receive while in legislative session for each weekday, Monday through Friday, that the committee meets. Provided however, on weekdays upon which a meeting is scheduled, members must attend said meeting in order to be paid. Said Committee shall not be paid for more than 45 calendar days in any single interim period. The compensation of Committee employees shall be paid as provided in Sections 29-1-9 and 29-1-10 of the Code of Alabama 1975. However it is further provided, that the Co-Chairmen and Vice Co-Chairmen of the Interim Committee on Finances and Budgets shall receive fifty dollars per day in addition to the same daily legislative compensation, expense allowances, per diem and other compensation which they receive while in legislative session for each day of the week, Monday through Friday during the period in which budget hearings are scheduled regardless of whether the Committee meets as a whole or in sub-committees. It shall be the duty of the Committee to make a careful investigation and study of the financial condition of the state, hold budget hearings, inquire into ways and means of financing state government and its programs, and report its findings and recommendations as herein provided. The Committee shall be composed of the members of the Senate Committee on Finance and Taxation, the Lieutenant Governor, the President Pro Tempore of the Senate, four additional members of the Senate to be appointed by the Lieutenant Governor, the members of the House Committee on Ways and Means, the Speaker Pro Tempore of the House, the Speaker of the House, and eleven additional members of the House to be appointed by the Speaker of the House of Representatives. The President and the President Pro Tempore of the Senate and the Speaker and the Speaker Pro Tempore of the House shall be Ex Officio voting members of the Committee. In addition, the members of the Joint Continuing Committee to Study the Tax Structure of the State of Alabama and the Distribution of Tax Revenues shall be invited to attend and participate in any hearings set by the Interim Committee on Finances and Budgets. It is also provided, that members of said tax structure committee who are not also members of the Interim Committee on Finances and Budgets, shall be paid at the same rate and under the same conditions as members of the Interim Committee on Finances and Budgets.

The Chairman of the Senate Committee on Finance and Taxation and the Chairman of the House Ways and Means Committee shall be Co-Chairmen. The said Co-Chairmen shall each appoint one Vice Co-Chairman and shall set the schedule and program for committee work. The said Co-Chairmen shall fix the days and hours of meetings and conduct hearings and examine witnesses who

appear before the Committee. Each Co-Chairman may appoint Sub-committees and invest them with such authority as may be deemed necessary to conduct the Committee's business and expedite its work. Members appointed to any Sub-committee shall each be entitled to, and shall receive compensation as is provided for in the above paragraph for members of the Interim Committee on Finances and Budgets for each day said members attend a Sub-committee meeting that is not also a meeting day of the Interim Committee. Said Sub-committee members shall not be paid for more than 30 additional calendar days in any single interim period for work of said Sub-committee. The Secretary of the Senate, the Clerk of the House of Representatives and the Director of the Legislative Fiscal Office shall provide the Committee with such clerical and expert assistance from among their respective staffs as may be necessary.

All departments, boards, bureaus, commissions, agencies, offices and institutions of the state shall and are hereby directed to cooperate fully with the Committee and its staff and shall furnish any and all information that may be requested by the Committee or its staff.

BE IT FURTHER RESOLVED, That the final report of the Committee, along with findings and recommendations, shall be submitted to the Governor and to each member of the Legislature no later than the seventh legislative day of the regular session. Said Committee shall terminate November 1, 1994.

MCDOWELL LEE
Secretary

SENATE MESSAGE

On motion of Representative Harper, the rules were suspended in order to bring up for immediate consideration the resolution, S.J.R. 9, set out in the foregoing Message from the Senate.

SUBSTITUTE OFFERED

Representative Harper offered the following substitute to the resolution, S.J.R. 9:

CREATING AN INTERIM COMMITTEE ON FINANCES AND BUDGETS.

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, that there is hereby created an Interim Committee on Finances and Budgets to meet during the interim periods between the regular sessions of the Legislature, during which periods the members, including Ex Officio members, shall each be entitled to, and shall receive the same daily legislative compensation, expense allowances, per diem and other compensation which they receive while in legislative session for each weekday, Monday through Friday, that the committee meets. Provided however, on weekdays upon which a meeting is scheduled, members must attend said meeting in order to be

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paid. Said Committee shall not be paid for more than 45 calendar days in any single interim period. The compensation of Committee employees shall be paid as provided in Sections 29-1-9 and 29-1-10 of the Code of Alabama 1975. However it is further provided, that the Co-Chairmen and Vice Co-Chairmen of the Interim Committee on Finances and Budgets shall receive fifty dollars per day in addition to the same daily legislative compensation, expense allowances, per diem and other compensation which they receive while in legislative session for each day of the week, Monday through Friday during the period in which budget hearings are scheduled regardless of whether the Committee meets as a whole or in sub-committees. It shall be the duty of the Committee to make a careful investigation and study of the financial condition of the state, hold budget hearings, inquire into ways and means of financing state government and its programs, and report its findings and recommendations as herein provided. The Committee shall be composed of the members of the Senate Committee on Finance and Taxation, the Lieutenant Governor, the President Pro Tempore of the Senate, four additional members of the Senate to be appointed by the Lieutenant Governor, the members of the House Committee on Ways and Means, the Speaker Pro Tempore of the House, the Speaker of the House, and thirteen additional members of the House to be appointed by the Speaker of the House of Representatives. The President and the President Pro Tempore of the Senate and the Speaker and the Speaker Pro Tempore of the House shall be Ex Officio voting members of the Committee. In addition, the members of the Joint Continuing Committee to Study the Tax Structure of the State of Alabama and the Distribution of Tax Revenues shall be invited to attend and participate in any hearings set by the Interim Committee on Finances and Budgets. It is also provided, that members of said tax structure committee who are not also members of the Interim Committee on Finances and Budgets, shall be paid at the same rate and under the same conditions as members of the Interim Committee on Finances and Budgets.

The Chairman of the Senate Committee on Finance and Taxation and the Chairman of the House Ways and Means Committee shall be Co-Chairmen. The said Co-Chairmen shall each appoint one Vice Co-Chairman and shall set the schedule and program for committee work. The said Co-Chairmen shall fix the days and hours of meetings and conduct hearings and examine witnesses who appear before the Committee. Each Co-Chairman may appoint Sub-committees and invest them with such authority as may be deemed necessary to conduct the Committee's business and expedite its work. Members appointed to any Sub-committee shall each be entitled to, and shall receive compensation as is provided for in the above paragraph for members of the Interim Committee on Finances and Budgets for each day said members attend a Sub-committee meeting that is not also a meeting day of the Interim Committee. Said Sub-committee members shall not be paid for more than 30 additional calendar days in any single interim period for work of said Sub-committee. The Secretary of the Senate, the Clerk of the House of Representatives and the Director of the Legislative Fiscal Office shall provide the Committee with such clerical and expert assistance from among their respective staffs as may be necessary.

All departments, boards, bureaus, commissions, agencies, offices and institutions of the state shall and are hereby directed to cooperate fully with the Committee and its staff and shall furnish any and all information that may be requested by the Committee or its staff.

BE IT FURTHER RESOLVED, That the final report of the Committee, along with findings and recommendations, shall be submitted to the Governor and to each member of the Legislature no later than the seventh legislative day of the regular session. Said Committee shall terminate November 1, 1994.

SUBSTITUTE ADOPTED

And the substitute was adopted.

RESOLUTION ADOPTED

On motion of Representative Harper, the House concurred in and adopted the resolution, S.J.R. 9, as amended.

RESOLUTIONS

The following resolution was introduced and distributed according to Joint Rule 11:

By Representative Venable:

H.R. 15. COMMENDING ELMORE COUNTY SHERIFF SIDNEY THRASH ON HIS OUTSTANDING LAW ENFORCEMENT CAREER.

Also:

The following resolutions were introduced:

By Representatives Grayson, Sanderford, Freeman and Hall:

H.J.R. 16. MOURNING THE DEATH OF WALTER MONTGOMERY AUSTIN, JR., PH.D., OF NORMAL, ALABAMA.

WHEREAS, it is with deep sorrow and regret that the Alabama Legislature records the death of Walter Montgomery Austin, Jr., PH.D., First Provost at Alabama A & M University and Dean of the school of Business at Alabama A & M University, Normal, Alabama, on November 17, 1990, at the age of 69 years; and

WHEREAS, Dr. Austin was educated in the Louisiana School System, graduated with a Bachelor of Arts degree in Agriculture from Southern University in 1947, received the Master of Science from Kansas State University, Manhattan, Kansas, and a Doctorate of Business Administration from Indiana University, Bloomington, Indiana; and

WHEREAS, Dr. Austin enjoyed a longtime and distinguished career as an educator serving as department head of Agricultural Economics at Tennessee State University; dean and professor of Agriculture Economics at Florida A & M University; chairman of the department of Economics and Sociology at Florida A

& M University; economic advisor to the government of Eastern Nigeria; founder and vice-president of Shreveport/Bossier City Campus-Southern University at Shreveport, Louisiana; professor of Economics and Executive Vice-President for the Southern University System, Baton Rouge, Louisiana; and professor of Economics, Business Administration and Athletic Director, Southern University in New Orleans; and

WHEREAS, Mr. Austin also was a distinguished veteran of World War II who served as a platoon sergeant, Headquarters Detachment 28th Quartermaster Group and served in the campaigns of Northern France, Ardennes, Rhineland and Central Europe from 1943 through 1945; and

WHEREAS, Dr. Austin was a devoted community builder who served his people with great love and dedication and will be long remembered and deeply missed by all those who were privileged to know him; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we do deeply regret and grievously mourn the death of Dr. Walter Montgomery Austin, Jr., and extend our sincere sympathy to his family and direct that his family receive a copy of this resolution that they may know of our shared sorrow in their great loss.

On motion of Representative Grayson, the rules were suspended and the resolution, H.J.R. 16, was adopted.

Also:

By Representatives Grayson, Brooks and Sanderford:

H.J.R. 17. COMMENDING THE REVEREND RICHARD L. HURT ON THE OCCASION OF HIS RETIREMENT.

WHEREAS, Reverend Richard L. Hurt, as an educator, businessman and soldier, has enjoyed a distinguished career spanning a period of thirty-eight years; and

WHEREAS, Reverend Hurt served twenty years in the United States Air Force in various positions including Base Equipment Management Officer, Registered Equipment Management Systems Specialist, Non-Commissioned Officer in Charge of Logistics, among many others, and for which he received the Outstanding Achievement Award and Meritorious Service Award before his retirement at the rank of Technical Sergeant; and

WHEREAS, Reverend Hurt owned and operated Hurt's Air Conditioner and Refrigeration Company, repairing, installing and maintaining residential, commercial and light industrial heating, cooling and refrigeration equipment; and

WHEREAS, Reverend Hurt served as Veteran Affairs Evening Coordinator and Instructor at J. F. Drake State Technical College with administrative responsibilities as campus safety engineer, VICA Advisor and Campus Fire Marshall; and

WHEREAS, Reverend Hurt has indeed exemplified the ideals of achievement and good citizenship as a way of life, thereby serving as a worthy role model for others; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we hereby extend to Reverend Richard Hurt our most heartfelt best wishes for many joyous days of retirement, and do further direct that a copy of this resolution be forwarded to Reverend Hurt.

On motion of Representative Grayson, the rules were suspended and the resolution, H.J.R. 17, was adopted.

Also:

By Representatives Ford and Bugg:

H.J.R. 18. COMMENDING MRS. PAT SMITH, EXECUTIVE DIRECTOR OF THE ETOWAH COUNTY CLEAN AND BEAUTIFUL COMMISSION, FOR HER LEADERSHIP IN IMPROVING THE ENVIRONMENT OF OUR STATE.

WHEREAS, the Alabama Legislature notes with pride and admiration the efforts of Mrs. Pat Smith as Executive Director of the Etowah County Clean and Beautiful Commission; and

WHEREAS, under Mrs. Smith's able direction the Clean and Beautiful Commission received a prestigious second place award in the system category from the Keep America Beautiful, Inc., 1990 National Award Program and a second place award in the communications category in 1989 from the same program, a remarkable and unprecedented achievement for an environmental commission only in existence for two years; and

WHEREAS, the Clean and Beautiful Commission under Mrs. Smith's management has skillfully joined the efforts of the county, municipalities, business and industry, schools and citizens, organizing 4,506 volunteers to work 16,209 hours at a time value of \$69,036.00, to dramatically improve the environmental quality of our state; and

WHEREAS, impressive statistics such as a 68% reduction in litter, a cost benefit ratio of \$4.22 for each \$1.00 expended and the involvement of over 18,000 students in commission projects attest to the amazing success of this program under the steorage of Pat Smith and due to the unselfish and tireless efforts of the people of Etowah County; and

WHEREAS, this legislative body notes that Mrs. Smith was invited to share her organizational expertise with representatives of other states at the Keep America Beautiful National Awards luncheon in Washington, D. C., a distinguished honor which reflects positively upon our state and citizens; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we hereby most heartily congratulate and commend Mrs. Pat Smith for outstanding community leadership and service,

and do further direct that she receive a copy of this resolution of respect, gratitude and warmest personal regard.

On motion of Representative Ford, the rules were suspended and the resolution, H.J.R. 18, was adopted.

Also:

By Representatives Ford and Bugg:

H.J.R. 19. COMMENDING PETER GREGERSON, SR., FOR OUTSTANDING COMMUNITY SERVICE.

WHEREAS, the Legislature of Alabama, in the highest tribute, notes the distinguished service of Peter Gregerson, Sr., a native Alabamian; and

WHEREAS, Mr. Gregerson is a versatile man, sensitive to the needs of his community, and one who has contributed generously to every worthwhile endeavor for the betterment of his area, culminating in a one-man beautification committee to spruce up Gadsden and Etowah Counties; and

WHEREAS, Mr. Gregerson efforts resulted in the establishment of the Clean and Beautiful Commission, Inc., for which he received the first "Chairperson Award of Excellence" from Keep America Beautiful Inc., in recognition of his leadership given to the Gadsden-Etowah County Clean and Beautiful Commission; and

WHEREAS, In 1986, he used personal funds to purchase and plant rose bushes along the area's main boulevards and highways in Gadsden and Etowah Counties; and

WHEREAS, a recital of his many accomplishments would be incomplete without the inclusion of the many contributions Mr. Gregerson has made as immediate past president of the Clean and Beautiful Commission Inc.; past president of the Gadsden-Etowah Chamber of Commerce and United Way of Etowah County; a member of the Salvation Army Executive Committee; a member of the boards of Baptist Health Foundation, Gadsden Council on Aging, United Way Literacy Council and Gadsden State Community College Foundation; president of Gadsden-Etowah Industrial Development Authority; member of the Governor's Regional Economic Development Board; member of National Grocers Association Board; and recipient of the United Way's highest service award and of a national community leader award given by the National Society of the Daughters of the American Revolution; and

WHEREAS, he is a man of integrity and dignity, loyal to his friends, devoted to his family and dedicated in his sense of duty and responsibility to his church and state; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we join with family and friends in commending Peter Gregerson, Sr., for outstanding community services and direct

that he receive a copy of this resolution as a warm expression of our warm best wishes for every future success.

On motion of Representative Ford, the rules were suspended and the resolution, H.J.R. 19, was adopted.

Also:

By Representative Gullatt:

H.J.R. 20. COMMENDING JERRY PRATER FOR OUTSTANDING SERVICE AS FIRE CHIEF IN PHENIX CITY, ALABAMA.

WHEREAS, Jerry Prater has been employed by the Phenix City Fire Department since April 1, 1968, has served as Fire Chief since May 23, 1983, and is retiring in January 1991; and

WHEREAS, Jerry Prater has enhanced professionalism in the Phenix City Fire Department by encouraging firefighters to obtain Associate Degrees in fire service education and certification as Emergency Medical Technicians, and by promoting the purchase of top-of-the-line fire-fighting equipment; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That in recognition of dedicated service, we hereby commend Fire Chief Jerry Prater for his years of fire service in the City of Phenix City, Alabama, and do further direct that Fire Chief Jerry Prater receive a copy of this resolution of sincere praise and highest personal regard.

On motion of Representative Gullatt, the rules were suspended and the resolution, H.J.R. 20, was adopted.

Also:

By Representatives Bugg, Ford, Smith (R) and Newman:

H.J.R. 21. COMMENDING SARA QUINN.

WHEREAS, Sara Quinn of Etowah County, has recently retired as UniServ District 9 Alabama Education Association's Field representative for Etowah County; and

WHEREAS, Mrs. Quinn's 18 years of dedicated educational experience began following her graduation from the University of Tennessee in Chattanooga as an eleventh grade English Teacher at Ft. Payne High School; and

WHEREAS, local school officials and superintendents of education admire and respect Mrs. Quinn's professionalism, competence, dedication and hard work; and

WHEREAS, Mrs. Quinn has brought professionalism, honor, esteem and respect to the educational field; and

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WHEREAS, Sara Quinn will be missed as the voice of Etowah County teachers; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we commend Mrs. Sara Quinn on her distinguished educational career and wish her well in her new undertaking in real estate sales in Etowah County.

BE IT FURTHER RESOLVED, That a copy of this resolution be presented to Mrs. Sara Quinn.

On motion of Representative Bugg, the rules were suspended and the resolution, H.J.R. 21, was adopted.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and adopted the following Senate Joint Resolution and sends same herewith to the House for its consideration:

By Senator deGraffenried:

S.J.R. 13. COMMITTEE TO NOTIFY GOVERNOR AND ASCERTAIN DESIRE FOR JOINT SESSION.

BE IT RESOLVED BY THE SENATE, THE HOUSE OF REPRESENTATIVES CONCURRING, That a committee of three members of the Senate, to be named by the President and Presiding Officer of the Senate, and three members of the House, to be named by the Speaker of the House, be appointed to notify the Governor that the Legislature is now in session and is ready for the transaction of business.

BE IT FURTHER RESOLVED, That said Committee ascertain from His Excellency if he desires to address a joint session of the Legislature and, if he does desire to address a joint session, to further ascertain the time most suitable to him for such address.

And the President and Presiding Officer of the Senate appointed as Committee on part of the Senate to notify and ascertain desire for Joint Session, Senators: Bedsole, Amari, and Ellis.

MCDOWELL LEE
Secretary

SENATE MESSAGE

On motion of Representative Campbell, the rules were suspended, and the House concurred in and adopted the resolution, S.J.R. 13, set out in the foregoing

Message from the Senate.

COMMITTEE APPOINTED

The Speaker appointed as a committee on the part of the House, Representatives Sanderford, Rich and Newton (C).

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and adopted the following Senate Joint Resolutions and sends same herewith to the House for its consideration:

By Senator deGraffenried:

S.J.R. 4. RELATIVE TO THE PRINTING OF THE ACTS AND JOURNALS.

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That the acts and journals of this Organizational Session in 1991, be bound with the Regular Session or any Special Sessions in 1991.

MCDOWELL LEE
Secretary

SENATE MESSAGE

On motion of Representative Campbell, the rules were suspended, and the House concurred in and adopted the resolution, S.J.R. 4, set out in the foregoing Message from the Senate.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and adopted the following Senate Joint Resolutions and sends same herewith to the House for its consideration:

By Senators Bedsole, Foshee, Amari, Windom, Waggoner, Dixon, Dial, Barron, Ellis, Bolling, Lipscomb, and Denton:

S.J.R. 7. ENCOURAGING ALABAMA'S SPILL RESPONSE TASK FORCE TO CONTINUE TO MEET AND MAKE RECOMMENDATIONS.

Also:

By Senators Bedsole, Figures, Windom, Campbell, Foshee, Waggoner, Barron, Ellis, Bolling, and Lipscomb:

S.J.R. 8. ENDORSING THE EFFORTS OF THE ALABAMA BATTLESHIP COMMISSION IN THEIR QUEST TO ACQUIRE THE U.S.S. LEXINGTON AIRCRAFT CARRIER FOR PERMANENT DISPLAY AT THE ALABAMA BATTLESHIP PARK.

Also:

By Senators Dial, Amari, Bailey, Barron, Bedsole, Bennett, Bolling, Campbell, Corbett, deGraffenried, Denton, Dixon, Ellis, Figures, Floyd, Foshee, Ghee, Hale, Hilliard, Horn, Langford, Lindsey, Lipscomb, Little, Mitchell, Mitchem, Owens, Parsons, Preuit, Sanders, Smith (B), Smith (J), Waggoner, Wilson, and Windom:

S.J.R. 10. COMMENDING THE ALABAMA AIR AND ARMY NATIONAL GUARD AND ALABAMA RESERVISTS PARTICIPATING IN OPERATION DESERT SHIELD.

MCDOWELL LEE
Secretary

SENATE MESSAGE

On motion of Representative Zoghby, the rules were suspended, and the House concurred in and adopted the resolution, S.J.R. 7, the title of which is set out in the foregoing Message from the Senate.

Also:

On motion of Representative Zoghby, the rules were suspended, and the House concurred in and adopted the resolution, S.J.R. 8, the title of which is set out in the foregoing Message from the Senate.

Also:

On motion of Representative Venable, the rules were suspended, and the House concurred in and adopted the resolution, S.J.R. 10, the title of which is set out in the foregoing Message from the Senate.

RESOLUTIONS

The following resolutions were introduced and distributed according to Joint Rule 11:

By Representatives Box and Gaston:

H.R. 22. COMMENDING THE SATSUMA HIGH SCHOOL VARSITY CHEERLEADERS FOR OUTSTANDING ACHIEVEMENT.

Also:

By Representative Box:

H.R. 23. RECOGNIZING THE MCGILL-TOOLEN FRESHMEN GIRLS ON THEIR CAPTURE OF THE 1990 CROSS COUNTRY STATE TITLE.

Also:

By Representative Box:

H.R. 24. EXTENDING HEARTIEST CONGRATULATIONS TO MCGILL-TOOLEN HIGH SCHOOL ON THE FRESHMAN BOYS CROSS COUNTRY 1990 STATE CHAMPIONSHIP.

Also:

By Representative Box:

H.R. 25. COMMENDING MCGILL-TOOLEN'S VARSITY BOYS ON THEIR 1990 VICTORY IN THE STATE CLASS 6A CROSS COUNTRY CHAMPIONSHIPS.

Also:

By Representative Box:

H.R. 26. CONGRATULATING THE MCGILL-TOOLEN HIGH SCHOOL "DIRTY DOZEN," ALABAMA'S 1990 STATE 6A VOLLEYBALL CHAMPIONS.

Also:

By Representatives Ford and Bugg:

H.R. 27. COMMENDING MRS. PAT SMITH, EXECUTIVE DIRECTOR OF THE ETOWAH COUNTY CLEAN AND BEAUTIFUL COMMISSION, FOR HER LEADERSHIP IN IMPROVING THE ENVIRONMENT OF OUR STATE.

Also:

By Representatives Ford and Bugg:

H.R. 28. COMMENDING PETER GREGERSON, SR., FOR OUTSTANDING COMMUNITY SERVICE.

Also:

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By Representative Black (M):

H.R. 29. CONGRATULATING OUR 1990 STATE CLASS 4A FOOTBALL CHAMPIONS, THE DESHLER HIGH SCHOOL TIGERS.

Also:

By Representative Hammett:

H.R. 30. MOURNING THE DEATH OF DONALD E. NELSON OF OPP, ALABAMA.

Also:

By Representative Hammett:

H.R. 31. COMMENDING HERB BOTTOMS OF OPP, ALABAMA, ON HIS LONGTIME DISTINGUISHED CAREER IN GOVERNMENT SERVICE.

Also:

By Representative Hammett:

H.R. 32. CONGRATULATING CHRISTY JAMES, COVINGTON COUNTY'S 1990 YOUNG WOMAN OF THE YEAR.

ADJOURNMENT

On motion of Representative Campbell and pursuant to the resolution, H.R. 14, heretofore adopted, the House adjourned until 11:00 o'clock A.M., Tuesday, January 15, 1991.

THIRD DAY

**House of Representatives
Montgomery, Alabama
Tuesday, January 15, 1991**

The House met pursuant to adjournment.

PRAYER

The session was opened with prayer by Reverend Farrell J. Duncombe, AME Churches, Montgomery District.

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Representative Pete Turnham.

ROLL CALL

On a call of the roll of the House, the following members answered to their names:

Mr. Speaker, Anderson, Barnes, Beasley, Biddle, Black (L.), Black (M), Blakeney, Bowling, Bryant, Bugg, Burke, Buskey (JE), Buskey (JL), Butler, Cagle, Campbell, Carns, Carothers, Carter, Clark (W), Clay, Cosby, Crow, Cullins, Curry, Dolbare, Drake, Escott-Russell, Flowers, Ford, Freeman, Fuller, Gaines, Gaston, Grayson, Gullatt, Hall, Hamilton, Hammett, Harper, Harvey, Hawkins, Haynes, Higginbotham, Hill, Hogan, Holladay, Holley, Holmes, Hooper, Johnson, Kennedy, Knight, Kvalheim, Laird, Layson, Letson, Lindsey, Mathis, McClain, McDaniel, McDowell, McKee, McMillan, Melton, Mikell, Millican, Morrow, Morton, Newman, Newton (C), Newton (D), Parker (P), Parker (T), Payne, Penry, Perdue, Petelos, Poole, Powell, Rich, Richardson, Rockhold, Rogers (F), Rogers (J), Sanderford, Sanderson, Smith (C), Smith (R), Spratt, Starkey, Thomas, Turner, Turnham, Venable, Walker, Warren, White, Williams, Willis and Zoghby.

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A quorum was present.

REPORT OF STANDING COMMITTEE ON RULES

House of Representatives:

Your Standing Committee on Rules begs leave to report that it has carefully examined the Journal of the House for the second legislative day and finds the same to be correct.

TOMMY CARTER
Chairman

On motion of Representative Carter, the reading at length of the Journal of the House for the second legislative day was dispensed with, the Report of the Standing Committee on Rules was concurred in and adopted and the Journal for the second legislative day was approved.

LEAVES OF ABSENCE

At the request of Representative Zoghby, leave of absence was granted for Representative Box.

Also:

At the request of Representative Drake, leave of absence was granted for Representative Goodwin.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has concurred in and adopted the following House Joint Resolutions and returns same herewith to the House:

H.J.R. 10. RELATIVE TO MEETING DAYS

Also:

H.J.R. 16. MOURNING THE DEATH OF WALTER MONTGOMERY AUSTIN, JR., PH.D., OF NORMAL, ALABAMA.

Also:

H.J.R. 17. COMMENDING THE REVEREND RICHARD L. HURT ON THE OCCASION OF HIS RETIREMENT.

Also:

H.J.R. 18. COMMENDING MRS. PAT SMITH, EXECUTIVE DIRECTOR OF THE ETOWAH COUNTY CLEAN AND BEAUTIFUL COMMISSION, FOR HER LEADERSHIP IN IMPROVING THE ENVIRONMENT OF OUR STATE.

Also:

H.J.R. 19. COMMENDING PETER GREGERSON, SR., FOR OUTSTANDING COMMUNITY SERVICE.

Also:

H.J.R. 20. COMMENDING JERRY PRATER FOR OUTSTANDING SERVICE AS FIRE CHIEF IN PHENIX CITY, ALABAMA.

Also:

H.J.R. 21. COMMENDING SARA QUINN.

**MCDOWELL LEE
Secretary**

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has concurred in and adopted the following House Joint Resolution and returns same herewith to the House:

H.J.R. 13. ADOPTING JOINT RULES OF THE TWO HOUSES OF THE LEGISLATURE OF ALABAMA FOR 1991.

**MCDOWELL LEE
Secretary**

OATH OF OFFICE

The oath of office prescribed by the Constitution of the State of Alabama was administered to the Honorable Sundra Escott-Russell, Representative-Elect, by the Honorable James S. Clark, Speaker of the House.

ANNOUNCEMENT OF STANDING COMMITTEES OF THE HOUSE

The Speaker announced the following Standing Committees of the House:

RULES

Tommy Carter, Chairperson; Joe Ford, Vice Chairperson; Members: Jenkins Bryant, James Buskey, Jim Carns, Joe Carothers, William Clark, Albert Hall, Bob Harvey, Clarence Haynes, Ron Johnson, Bobbie McDowell, Allen Sanderson, Jimmy Warren, Frank ("Skippy") White.

WAYS AND MEANS

Taylor Harper, Chairperson; Pete Turnham, Vice Chairperson; Members: Ralph Burke, John Buskey, Johnny Curry, Dewayne Freeman, William Fuller, John Hawkins, Yvonne Kennedy, Nathan Mathis, Ed McClain, Max Newman, Tim Parker, John Rogers, Nolan Williams.

JUDICIARY

G. J. Higginbotham, Chairperson; Frank Rogers, Vice Chairperson; Members: Morris Anderson, David Barnes, Lucius Black, Marcel Black, Mike Box, John Buskey, Jim Campbell, Mark Gaines, Hugh Holladay, Ron Johnson, Ken Kvalheim, Demetrius Newton, Tony Petelos.

STATE ADMINISTRATION

James Thomas, Chairperson; Clarence Haynes, Vice Chairperson; Members: Jack Biddle, June Bugg, James Buskey, Joe Goodwin, George Grayson, Tom

Hogan, Alvin Holmes, Al Knight, Johnny Morrow, Albert Morton, Max Newman, Paul Parker, Nelson Starkey.

BUSINESS AND LABOR

John Beasley, Chairperson; Frank McDaniel, Vice Chairperson; Members: Johnny Cagle, Tommy Carter, James Cullins, William Fuller, Mark Gaines, Yvonne Kennedy, Richard Laird, Allen Layson, Steve McMillan, Bryant Melton, Arthur Payne, Roy Smith, Lewis Spratt.

HEALTH

Joe Carothers, Chairperson; Ron Johnson, Vice Chairperson; Members: John Beasley, Jack Biddle, Bill Bowling, Tom Butler, Tom Drake, Steve Flowers, Dewayne Freeman, Albert Hall, Clarence Haynes, Ken Kvalheim, Ed McClain, Bobbie McDowell, Lois Rockhold.

BANKING

Mary Zoghby, Chairperson; John Hawkins, Vice Chairperson; Members: John Beasley, "Noopie" Cosby, Sundra Escott-Russell, Joe Ford, Mark Gaines, Seth Hammett, Mike Hill, Hugh Holladay, Johnny Morrow, Charles Newton, George Perdue, Tony Petelos, James Thomas.

INSURANCE

Steve Flowers, Chairperson; James Buskey, Vice Chairperson; Members: Jim Carns, George Clay, Albert Hall, Jimmy Holley, Richard Lindsey, Frank McDaniel, Bob McKee, Horace Powell, Lois Rockhold, Lewis Spratt, Jack Venable, Nolan Williams, Replacement for House District #10 Seat (Madison County).

EDUCATION

Paul Parker, Chairperson; June Bugg, Vice Chairperson; Members: William Clark, Jeff Dolbare, John Hawkins, Mike Hill, Hugh Holladay, Alvin Holmes, Bryant Melton, Mike Millican, Johnny Morrow, Phil Poole, Horace Powell, Curtis Smith, Mary Zoghby.

AGRICULTURE, FORESTRY AND NATURAL RESOURCES

Richard Lindsey, Chairperson; Curtis Smith, Vice Chairperson; Members: David Barnes, Harrell Blakeney, Jenkins Bryant, Jeff Dolbare, James Hamilton, Sam Letson, Nathan Mathis, Horace Powell, Ben Richardson, Howard Sanderford, Roy Smith, Jimmy Warren, Frank ("Skippy") White.

OIL AND GAS

Victor Gaston, Chairperson; Dewayne Freeman, Vice Chairperson; Members: James Buskey, Tom Butler, William Clark, Jeff Dolbare, G. J. Higginbotham, Tom Hogan, Ken Kvalheim, Mike Millican, Max Newman, Walter Penry, John Rogers, J. E. Turner, Frank ("Skippy") White.

PUBLIC WELFARE

Jenkins Bryant, Chairperson; Demetrius Newton, Vice Chairperson; Members: Morris Anderson, June Bugg, Johnny Cagle, James Cullins, George Grayson, Jane Gullatt, Alvin Holmes, Mike Mikell, Albert Morton, Paul Parker, George Perdue, Phil Poole, Kerry Rich.

CONSTITUTION AND ELECTIONS

Bobbie McDowell, Chairperson; James Campbell, Vice Chairperson; Members: Morris Anderson, Marcel Black, Bill Bowling, Mike Box, Johnny Curry, Steve Flowers, Steve McMillan, Charles Newton, Lois Rockhold, Curtis Smith, James Thomas, Jack Venable, Claud Walker.

COMMERCE, UTILITIES AND TRANSPORTATION

Perry Hooper, Chairperson; Mike Box, Vice Chairperson; Members: Lucius Black, Ralph Burke, Johnny Cagle, Joe Ford, Victor Gaston, Jane Gullatt, Seth Hammett, Richard Lindsey, Tim Parker, George Perdue, John Rogers, Allen Sanderson, Mary Zoghby.

INDUSTRIAL DEVELOPMENT AND ECONOMIC GROWTH

Tom Butler, Chairperson; Ken Kvalheim, Vice Chairperson; Members: Marcel Black, "Noopie" Cosby, Tom Drake, Bob Harvey, Jimmy Holley, Perry Hooper, Yvonne Kennedy, Bob McKee, Demetrius Newton, Frank Rogers, Allen Sanderson, Jack Venable, Nolan Williams.

TOURISM, ENTERTAINMENT AND SPORTS

Joe Ford, Chairperson; Ed McClain, Vice Chairperson; Members: David Barnes, Bill Bowling, Ralph Burke, Dewayne Freeman, Albert Hall, Taylor Harper, Perry Hooper, Sam Letson, Nathan Mathis, Walter Penry, Tony Petelos, James Thomas, Nolan Williams.

LOCAL GOVERNMENT

Jane Gullatt, Chairperson; Jimmy Warren, Vice Chairperson; Members: John Buskey, Joe Carothers, Sundra Escott-Russell, James Hamilton, G. J. Higginbotham, Mike Hill, Al Knight, Richard Laird, Sam Letson, Charles Newton, Ben Richardson, J. E. Turner, Gerald Willis.

MILITARY AFFAIRS

William Fuller, Chairperson; Pete Turnham, Vice Chairperson; Members: Jack Biddle, Harrell Blakeney, Bobby Crow, Victor Gaston, Joe Goodwin, Al Knight, Bob McKee, Mike Mikell, Arthur Payne, Howard Sanderford, Claud Walker, Gerald Willis, Replacement for House District #10 Seat (Madison County).

HIGHWAY SAFETY

Lewis Spratt, Chairperson; Kerry Rich, Vice Chairperson; Members: Jim Carns, Bobby Crow, Johnny Curry, Tom Drake, Richard Laird, Allen Layson, Albert Morton, Tim Parker, Ben Richardson, Frank Rogers, J. E. Turner, Claud Walker, Gerald Willis.

SMALL BUSINESS

Frank McDaniel, Chairperson; Sundra Escott-Russell, Vice Chairperson; Members: Harrell Blakeney, George Clay, Bobby Crow, Bob Harvey, Jimmy Holley, Allen Layson, Mike Mikell, Mike Millican, Arthur Payne, Phil Poole, Howard Sanderford, Roy Smith, Pete Turnham.

LOCAL LEGISLATION NO. 1

Bill Bowling, Chairperson; Sam Letson, Vice Chairperson; Members: Morris Anderson, Lucius Black, Steve Flowers, William Fuller, Seth Hammett, Clarence Haynes, Nathan Mathis, Bryant Melton, Johnny Morrow, Max Newman, Walter Penry, Nelson Starkey, Frank ("Skippy") White.

LOCAL LEGISLATION NO. 2

Tony Petelos, Chairperson; Lewis Spratt, Vice Chairperson; Members: David Barnes, Jack Biddle, Jim Carns, Johnny Curry, Sundra Escott-Russell, Mark Gaines, John Hawkins, Ed McClain, Bobbie McDowell, Albert Morton, Demetrius Newton, Arthur Payne, George Perdue, Frank Rogers, John Rogers, Allen Sanderson.

LOCAL LEGISLATION NO. 3

Mary Zoghby, Chairperson; William Clark, Vice Chairperson; Members: Mike Box, James Buskey, Victor Gaston, Taylor Harper, Yvonne Kennedy, Ken Kvalheim, Lois Rockhold, J. E. Turner.

LOCAL LEGISLATION NO. 4

Albert Hall, Chairperson; Dewayne Freeman, Vice Chairperson; Members: Tom Butler, George Grayson, Howard Sanderford, Replacement for House District # 10 Seat (Madison County).

LOCAL LEGISLATION NO. 5

Chairperson and Vice Chairperson to be elected by the delegation. Members: John Buskey, Alvin Holmes, Perry Hooper, Bob McKee, Mike Mikell, Claud Walker.

LOCAL LEGISLATION NO. 6

Phil Poole, Chairperson; Bryant Melton, Vice Chairperson; Members: Johnny Cagle, Allen Layson, Tim Parker.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has non-concurred in the House amendment to the Senate Joint Resolution:

S.J.R. 9. CREATING AN INTERIM COMMITTEE ON FINANCES AND BUDGETS.

and requests a Committee on Conference.

And the President and Presiding Officer of the Senate has appointed as Committee on part of the Senate, Senators: Horn, Hilliard, and Foshee.

MCDOWELL LEE
Secretary

SENATE MESSAGE

On motion of Representative Harper, the House acceded to the request of the Senate for a Committee on Conference on the disagreement of the two Houses on the House amendment to the resolution, S.J.R. 9.

COMMITTEE ON CONFERENCE APPOINTED

And the Speaker appointed as a Committee on Conference on the part of the House, Representatives Harper, Freeman and Williams.

RESOLUTIONS

The following resolutions were introduced:

By Representative Campbell:

H.J.R. 33. RELATIVE TO MEETING DAYS

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That when the two houses adjourn today, Tuesday, January 15, 1991, they adjourn sine die.

On motion of Representative Campbell, the rules were suspended and the resolution, H.J.R. 33, was adopted.

Also:

By Representative Johnson:

H.R. 34. REQUESTING ADEM TO DELAY ISSUANCE OF PERMIT TO OPERATE A SOLID WASTE DISPOSAL SITE IN TALLADEGA COUNTY UNTIL IMPACT ON CHILDERSBURG'S WATER SUPPLY IS DETERMINED.

WHEREAS, the Alabama Department of Environmental Management (ADEM) may soon issue a permit to operate a solid waste disposal site in or near Childersburg in Talladega County; and

WHEREAS, the residents of Childersburg and Talladega County are concerned about the purity of the public water supply in those areas; and

WHEREAS, the residents of Childersburg and Talladega County feel that, prior to the issuance of such a permit by ADEM, a comprehensive study be conducted on the potential for adverse environmental impact upon the public water supplies of said areas; now therefore,

BE IT RESOLVED BY THE ALABAMA HOUSE OF REPRESENTATIVES, That we urgently request that the Alabama Department of Environmental Management (ADEM) do not issue, a permit to operate a solid waste disposal site until the environmental impact of such an action on the public water supply of Childersburg can be studied and evaluated.

RESOLVED FURTHER, That a copy of this resolution be presented to the director of ADEM so he may know of our sincere concern in this matter.

On motion of Representative Johnson, the rules were suspended and the resolution, H.R. 34, was adopted.

Also:

By Representative Johnson:

H.J.R. 35. REQUESTING ADEM TO DELAY ISSUANCE OF PERMIT TO OPERATE A SOLID WASTE DISPOSAL SITE IN TALLADEGA COUNTY UNTIL IMPACT ON CHILDERSBURG'S WATER SUPPLY IS DETERMINED.

WHEREAS, the Alabama Department of Environmental Management (ADEM) may soon issue a permit to operate a solid waste disposal site in or near Childersburg in Talladega County; and

WHEREAS, the residents of Childersburg and Talladega County are concerned about the purity of the public water supply in those areas; and

WHEREAS, the residents of Childersburg and Talladega County feel that, prior to the issuance of such a permit by ADEM, a comprehensive study be conducted on the potential for adverse environmental impact upon the public water supplies of said areas; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH

HOUSES THEREOF CONCURRING, That we urgently request that the Alabama Department of Environmental Management (ADEM) do not issue, a permit to operate a solid waste disposal site until the environmental impact of such an action on the public water supply of Childersburg can be studied and evaluated.

RESOLVED FURTHER, That a copy of this resolution be presented to the director of ADEM so he may know of our sincere concern in this matter.

On motion of Representative Johnson, the rules were suspended and the resolution, H.J.R. 35, was adopted.

Also:

By Representative Knight:

H.J.R. 36. CONTINUING THE JOINT INTERIM LEGISLATIVE COMMITTEE TO STUDY THE FUNDING AND ALLOCATION OF REVENUES FOR ELEMENTARY/SECONDARY SCHOOLS IN ALABAMA.

WHEREAS, the Legislature of Alabama, on April 18, 1990, 1990 Regular Session, passed House Joint Resolution 468, Act No. 90-503, creating the joint interim legislative committee to study the funding and allocation of revenues for elementary/secondary schools in Alabama; and

WHEREAS, such interim committee has not completed its study; and

WHEREAS, such interim committee desires additional time to complete its study and issue its report; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That the joint interim legislative committee to study the funding and allocation of revenues for elementary/secondary schools in Alabama be continued and that the committee be allowed to report its findings, conclusions and recommendations during the 1991 Regular Session at which time the committee shall be abolished; and

BE IT FURTHER RESOLVED, That the Speaker and Lieutenant Governor be allowed to appoint and reappoint members as provided in the original resolution if such appointments are necessary; that the Speaker set a time and place for the first meeting of the committee; and that all other provisions of the original resolution remain in effect.

On motion of Representative Knight, the rules were suspended and the resolution, H.J.R. 36, was adopted.

Also:

The following resolution was introduced and distributed according to Joint Rule 11:

By Representative Clay:

H.R. 37. MOURNING THE DEATH OF LUCIUS ANDREW HAYDEN OF TUSKEGEE, ALABAMA.

Also:

The following resolutions were introduced:

By Representatives Butler, Fuller, Lindsey, Burke, Harper, Curry, Higginbotham, Hamilton, Parker (P), Zoghby, Rockhold, Smith (C), Hooper, Letson, Gaston and Box:

H.J.R. 38. DESIGNATING APRIL 7 THROUGH 13, 1991, AS "NATIONAL COUNTY GOVERNMENT WEEK" IN ALABAMA

WHEREAS, on July 10, 1990 the Senate and House of Representatives of the United States of America in Congress assembled adopted Senate Joint Resolution 347 which designates April 7 through 13, 1991 as "National County Government Week"; and

WHEREAS, every citizen of this state is also a citizen of one of sixty-seven Alabama counties; and

WHEREAS, county government is the oldest form of local government in the United States; and

WHEREAS, over the last three decades county governments in Alabama and throughout the nation have assumed increasing responsibility for the administration and financing of health, welfare, justice, transportation, housing, and community development programs; and

WHEREAS, county governments are often the last available resource for providing emergency and long-term services for the poor, homeless and disadvantaged in our society; and

WHEREAS, Alabama county governments have been assigned a greater role in solving area wide problems dealing with air pollution, water pollution, solid waste disposal, airports, transit systems, regional parks, and other issues; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That the week of April 7 through 13, 1991, is hereby designated as "National County Government Week" in Alabama, as a time for public recognition of Alabama county government's contribution to the health, safety and general welfare of every citizen of this state.

On motion of Representative Butler, the rules were suspended and the resolution, H.J.R. 38, was adopted.

Also:

By Representatives Turner, Zoghby, Rockhold, Gaston, Kennedy, Penry, Kvalheim, Buskey (JE), Clark (W), Harper, Anderson, Barnes, Beasley, Biddle, Black (L), Black (M), Blakeney, Bowling, Box, Bryant, Bugg, Burke, Buskey (JL), Butler, Cagle, Campbell, Carns, Carothers, Carter, Clark (J), Clay, Cosby, Crow, Cullins, Curry, Dolbare, Drake, Escott-Russell, Flowers, Ford, Freeman, Fuller, Gaines, Goodwin, Grayson, Gullatt, Hall, Hamilton, Hammett, Harvey, Hawkins, Haynes, Higginbotham, Hill, Hogan, Holladay, Holley, Holmes, Hooper, Johnson, Knight, Laird, Layson, Letson, Lindsey, Mathis, McClain, McDaniel, McDowell, McKee, McMillan, Melton, Mikell, Millican, Morrow, Morton, Newman, Newton (C), Newton (D), Parker (P), Parker (T), Payne, Perdue, Petelos, Poole, Powell, Rich, Richardson, Rogers (F), Rogers (J), Sanderford, Sanderson, Smith (C), Smith (R), Spratt, Starkey, Thomas, Turnham, Venable, Walker, Warren, White, Williams and Willis:

H.J.R. 39. HONORING ROBERT M. HOPE FOR DISTINGUISHED SERVICE TO THE STATE OF ALABAMA AND THE ALABAMA STATE DOCKS.

WHEREAS, the March 1, 1991, retirement of Robert M. Hope brings to a close his distinguished career as an employee of the Alabama State Docks since 1952; and

WHEREAS, Mr. Hope, since beginning service in the Engineering/Operations Department, has worked in essentially every division at the Docks, and in such capacities as manager of the Cold Storage Plant (1960-65), manager of the Wharves and Warehouses Department (1965-67) and as the manager of the Bulk Material Handling Plant in 1969 and 1970; and

WHEREAS, in 1970, Mr. Hope was named Docks' Operations Manager, the post he held for five years before being named General Manager of Operations; and

WHEREAS, Mr. Hope was appointed director of the Alabama State Docks by Governor George Wallace in 1976 and was re-appointed by Governor Fob James in 1979; he was again appointed by Governor Wallace in 1982, resuming his position as General Manager of Operations in 1987; and

WHEREAS, during his accomplished tenure of some 39 years of service to the Docks and the State of Alabama, Mr. Bob Hope's contributions have impacted greatly to the good of the Mobile area and the entire state, brings billions of dollars into the economy; and

WHEREAS, he further was instrumental in bringing about some \$250 million in improvements to the State Docks, including the building of McDuffie Coal Terminal and improvement to the Three Mile Creek Bulk Plant; and

WHEREAS, Mr. Hope, who has been honored as Maritime Man of the Year and World Trade Man of the Year, among other distinctions, also has provided leadership as president and member of the Boards of Directors of the Gulf Port

Association and the Mobile Chamber of Commerce, and through appointment as a U.S. representative on the Coal Industry Advisory Board of the International Energy Agency; and

WHEREAS, he further has been a member and/or officer of numerous other civic and professional organizations and has been previously recognized by the Legislature which named a new overpass at the Docks in his honor in 1986; and

WHEREAS, Mr. Hope is a graduate of the University of Alabama, served in the Merchant Marines during World War II and in the United States Army during the Korean Conflict; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we hereby most highly commend Robert M. (Bob) Hope for outstanding service to the Alabama State Docks, to Mobile and the entire state, and do further direct that he receive a copy of this resolution of sincere warm praise and regard.

On motion of Representative Turner, the rules were suspended and the resolution, H.J.R. 39, was adopted.

Also:

By Representatives Buskey (JL), Anderson, Barnes, Beasley, Biddle, Black (L), Black (M), Blakeney, Bowling, Box, Brooks, Bryant, Bugg, Burke, Buskey (JE), Butler, Cagle, Campbell, Carns, Carothers, Carter, Clark (J), Clark (W), Clay, Cosby, Crow, Cullins, Curry, Dolbare, Drake, Escott-Russell, Flowers, Ford, Freeman, Fuller, Gaines, Gaston, Goodwin, Grayson, Gullatt, Hall, Hamilton, Hammett, Harper, Harvey, Hawkins, Haynes, Higginbotham, Hill, Hogan, Holladay, Holley, Holmes, Hooper, Johnson, Kennedy, Knight, Kvalheim, Laird, Layson, Letson, Lindsey, Mathis, McClain, McDaniel, McDowell, McKee, McMillan, Melton, Mikell, Millican, Morrow, Morton, Newman, Newton (C), Newton (D), Parker (P), Parker (T), Payne, Penry, Perdue, Petelos, Poole, Powell, Rich, Richardson, Rockhold, Rogers (F), Rogers (J), Sanderford, Sanderson, Smith (C), Smith (R), Spratt, Starkey, Thomas, Turner, Turnham, Venable, Walker, Warren, White, Williams, Willis and Zoghby:

H.J.R. 40. WELCOMING THE BILL OF RIGHTS NATIONAL TOUR TO ALABAMA AND PROVIDING FOR A LEGISLATIVE DELEGATION TO ATTEND THE EXHIBITION.

WHEREAS, during this year, the United States will celebrate the 200th anniversary of the Bill of Rights; and

WHEREAS, on December 15, 1791, Virginia became the 11th and final state to ratify the proposed bill of rights; guaranteeing to everyone among others the freedoms of speech, of religion, and of the press, and the right of assembly; and

WHEREAS, the first eight amendments to the United States Constitution contain the fundamental rights and freedoms of every citizen and Amendments

Nine and Ten forbid Congress to adopt laws that would violate these rights; and

WHEREAS, through the centuries, the Bill of Rights has survived challenge after challenge, but the freedoms guaranteed to citizens of the United States by these first ten amendments have held firm, providing the individual liberties which are such a vital part of the American system of democracy; and

WHEREAS, Alabamians will have an opportunity to view the State of Virginia's original copy of the Bill of Rights, graciously loaned by the Virginia State Library and Archives plus an exciting multimedia show about the historical development and enduring impact of the Bill of Rights January 21-23, 1991, at the Montgomery Civic Center; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we welcome this Bill of Rights national tour to Alabama to commemorate the 200th anniversary of this historic document.

BE IT FURTHER RESOLVED, That six members of this body be appointed to represent the Legislature of Alabama during this Alabama exhibition: three members of the House of Representatives appointed by the Speaker of the House, and three members of the Senate appointed by the Lieutenant Governor.

On motion of Representative Buskey (JL), the rules were suspended and the resolution, H.J.R. 40, was adopted.

Also:

The following resolution was introduced and distributed according to Joint Rule 11:

By Representative Hammett:

H.R. 41. HONORING J. MURRAY KING FOR OUTSTANDING PROFESSIONAL ACHIEVEMENT AND SERVICE.

RECESS

On motion of Representative Campbell, the House recessed to the call of the Chair.

HOUSE RECONVENED

The House reconvened. The Speaker called the House to order.

**REPORT OF THE STANDING COMMITTEE
ON RULES ON ENROLLED AND ENGROSSED BILLS**

Mr. Speaker:

Your Standing Committee on Rules begs leave to report that it has examined the following House Joint Resolutions, to-wit:

H.J.R. 10. RELATIVE TO MEETING DAYS

Also:

H.J.R. 16. MOURNING THE DEATH OF WALTER MONTGOMERY AUSTIN, JR., PH.D., OF NORMAL, ALABAMA.

Also:

H.J.R. 17. COMMENDING THE REVEREND RICHARD L. HURT ON THE OCCASION OF HIS RETIREMENT.

Also:

H.J.R. 18. COMMENDING MRS. PAT SMITH, EXECUTIVE DIRECTOR OF THE ETOWAH COUNTY CLEAN AND BEAUTIFUL COMMISSION, FOR HER LEADERSHIP IN IMPROVING THE ENVIRONMENT OF OUR STATE.

Also:

H.J.R. 19. COMMENDING PETER GREGERSON, SR., FOR OUTSTANDING COMMUNITY SERVICE.

Also:

H.J.R. 20. COMMENDING JERRY PRATER FOR OUTSTANDING SERVICE AS FIRE CHIEF IN PHENIX CITY, ALABAMA.

Also:

H.J.R. 21. COMMENDING SARA QUINN.

Also:

H.J.R. 13. ADOPTING JOINT RULES OF THE TWO HOUSES OF THE LEGISLATURE OF ALABAMA FOR 1991.

And finds same correctly enrolled.

TOMMY CARTER
Chairman

SIGNING OF HOUSE JOINT RESOLUTIONS

The Speaker of the House, in the presence of the House, immediately after the titles had been publicly read by the Clerk, the reading at length having been dispensed with by a two-thirds vote of a quorum present, signed the House Joint Resolutions, the titles of which are set out in the foregoing Report of the Standing Committee on Rules.

RESOLUTIONS

The following resolutions were introduced and distributed according to Joint Rule 11:

By Representatives McKee and Hooper:

H.R. 42. COMMENDING MONTGOMERY CITIZEN OF THE YEAR, MAYOR EMORY FOLMAR.

Also:

By Representative Newton (D):

H.R. 43. MOURNING THE DEATH OF JUANITA MAXWELL LEE

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has concurred in and adopted the following House Joint Resolutions and returns same herewith to the House:

H.J.R. 35. REQUESTING ADEM TO DELAY ISSUANCE OF PERMIT TO OPERATE A SOLID WASTE DISPOSAL SITE IN TALLADEGA COUNTY UNTIL IMPACT ON CHILDERSBURG'S WATER SUPPLY IS DETERMINED.

Also:

H.J.R. 40. WELCOMING THE BILL OF RIGHTS NATIONAL TOUR TO ALABAMA AND PROVIDING FOR A LEGISLATIVE DELEGATION TO ATTEND THE EXHIBITION.

And the President and Presiding Officer of the Senate appointed as members on part of the Senate, Senators Dixon, Mitchell, and Langford.

MCDOWELL LEE
Secretary

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has concurred in and adopted the following House Joint Resolutions and returns same herewith to the House:

H.J.R. 33. RELATIVE TO MEETING DAYS

Also:

H.J.R. 38. DESIGNATING APRIL 7 THROUGH 13, 1991, AS "NATIONAL COUNTY GOVERNMENT WEEK" IN ALABAMA

Also:

H.J.R. 39. HONORING ROBERT M. HOPE FOR DISTINGUISHED SERVICE TO THE STATE OF ALABAMA AND THE ALABAMA STATE DOCKS.

**MCDOWELL LEE
Secretary**

RESOLUTION

The following resolution was introduced and distributed according to Joint Rule 11:

By Representative Hammett:

H.R. 44. COMMENDING WILLIAM H. BALDWIN FOR DISTINGUISHED SERVICE AS COVINGTON COUNTY CIRCUIT JUDGE.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and passed the following Senate Joint Resolution and sends same herewith to the House:

By Senators Corbett, Campbell, Bennett, Denton, Foshee, Little, Langford, Horn, Amari, Bolling, Floyd, Windom, Parsons, Willson, Lindsey, Figures, Ghee, and Preuitt:

S.J.R. 6. REQUESTING THE ATTORNEY GENERAL TO INVESTIGATE THE COSTS OF ALL LEGAL SERVICES PERFORMED FOR THE STATE OF ALABAMA DURING PAST TWO QUADRENNIUMS.

**MCDOWELL LEE
Secretary**

SENATE MESSAGE

MOTION TO SUSPEND RULES AND ADOPT

Representative Harper offered the motion to suspend the rules and adopt the resolution, S.J.R. 6.

DIVISION OF THE QUESTION

Representative Rich called for a Division of the Question, and the call was sustained.

MOTION TO SUSPEND RULES ADOPTED

The question was then on the motion offered by Representative Harper to suspend the rules in order to take up for immediate consideration the resolution, S.J.R. 6, and the motion was adopted.

Yeas 92; Nays 5.

Yea:

Mr. Speaker, Anderson, Barnes, Beasley, Biddle, Black (L), Black (M), Bowling, Brooks, Bryant, Bugg, Burke, Buskey (JE), Buskey (JL), Butler, Cagle, Campbell, Carns, Carothers, Carter, Clark (W), Clay, Cosby, Crow, Cullins, Curry, Dolbare, Drake, Flowers, Ford, Freeman, Fuller, Gaston, Grayson, Gullatt, Hall, Hamilton, Hammett, Harper, Harvey, Hawkins, Haynes, Higginbotham, Hill, Hogan, Holladay, Holley, Holmes, Hooper, Johnson, Kennedy, Knight, Kvalheim, Laird, Layson, Letson, Lindsey, Mathis, McClain, McDaniel, McKee, Melton, Mikell, Millican, Morrow, Morton, Newman, Newton (C), Newton (D), Parker (P), Parker (T), Payne, Penry, Perdue, Poole, Powell, Richardson, Rockhold, Rogers (J), Sanderford, Smith (C), Spratt, Starkey, Thomas, Turner, Turnham, Venable, Warren, White, Williams, Willis and Zoghby.

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Nay:

Representatives Gaines, Petelos, Rich, Sanderson and Smith (R).

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MESSAGE FROM THE SENATE

Mr. Speaker:

The President and Presiding Officer of the Senate having signed the following Senate Joint Resolutions, your signature thereto is requested:

S.J.R. 7. ENCOURAGING ALABAMA'S SPILL RESPONSE TASK FORCE

TO CONTINUE TO MEET AND MAKE RECOMMENDATIONS.

Also:

S.J.R. 8. ENDORSING THE EFFORTS OF THE ALABAMA BATTLESHIP COMMISSION IN THEIR QUEST TO ACQUIRE THE U.S.S. LEXINGTON AIRCRAFT CARRIER FOR PERMANENT DISPLAY AT THE ALABAMA BATTLESHIP PARK.

Also:

S.J.R. 10. COMMENDING THE ALABAMA AIR AND ARMY NATIONAL GUARD AND ALABAMA RESERVISTS PARTICIPATING IN OPERATION DESERT SHIELD.

MCDOWELL LEE
Secretary

SIGNING OF SENATE JOINT RESOLUTIONS

The Speaker of the House, in the presence of the House, immediately after the titles had been publicly read by the Clerk, the reading at length having been dispensed with by a two-thirds vote of a quorum present, signed the Senate Joint Resolutions, the titles of which are set out in the foregoing Message from the Senate.

S.J.R. 6 RESUMED

RESOLUTION ADOPTED

On motion of Representative Harper, the resolution, S.J.R. 6, was adopted.

RESOLUTION

The following resolution was introduced and distributed according to Joint Rule 11:

By Representatives Williams, Anderson, Barnes, Beasley, Biddle, Black (L), Black (M), Blakeney, Bowling, Box, Bryant, Bugg, Burke, Buskey (JE), Buskey (JL), Butler, Cagle, Campbell, Carns, Carothers, Carter, Clark (J), Clark (W), Clay, Cosby, Crow, Cullins, Curry, Dolbare, Drake, Escott-Russell, Flowers, Ford, Freeman, Fuller, Gaines, Gaston, Goodwin, Grayson, Gullatt, Hall, Hamilton, Hammett, Harper, Harvey, Hawkins, Haynes, Higginbotham, Hill, Hogan, Holladay, Holley, Holmes, Hooper, Johnson, Kennedy, Knight, Kvalheim, Laird, Layson, Letson, Lindsey, Mathis, McClain, McDaniel, McDowell, McKee, McMillan, Melton, Mikell, Millican, Morrow, Morton, Newman, Newton (C), Newton (D), Parker (P), Parker (T), Payne, Penry, Perdue, Petelos, Poole, Powell, Rich, Richardson, Rockhold,

Rogers (F), Rogers (J), Sanderford, Sanderson, Smith (C), Smith (R), Spratt, Starkey, Thomas, Turner, Turnham, Venable, Walker, Warren, White, Willis and Zoghby:

H.R. 45. CONGRATULATING MR. AND MRS. ROBINS CAROTHERS ON THE BIRTH OF A SON ON JANUARY 1, 1991.

**REPORT OF THE STANDING COMMITTEE
ON RULES ON ENROLLED AND ENGROSSED BILLS**

Mr. Speaker:

Your Standing Committee on Rules begs leave to report that it has examined the following House Joint Resolutions, to-wit:

H.J.R. 33. RELATIVE TO MEETING DAYS

Also:

H.J.R. 38. DESIGNATING APRIL 7 THROUGH 13, 1991, AS "NATIONAL COUNTY GOVERNMENT WEEK" IN ALABAMA

Also:

H.J.R. 39. HONORING ROBERT M. HOPE FOR DISTINGUISHED SERVICE TO THE STATE OF ALABAMA AND THE ALABAMA STATE DOCKS.

Also:

H.J.R. 35. REQUESTING ADEM TO DELAY ISSUANCE OF PERMIT TO OPERATE A SOLID WASTE DISPOSAL SITE IN TALLADEGA COUNTY UNTIL IMPACT ON CHILDERSBURG'S WATER SUPPLY IS DETERMINED.

Also:

H.J.R. 40. WELCOMING THE BILL OF RIGHTS NATIONAL TOUR TO ALABAMA AND PROVIDING FOR A LEGISLATIVE DELEGATION TO ATTEND THE EXHIBITION.

And finds same correctly enrolled.

**TOMMY CARTER
Chairman**

SIGNING OF HOUSE JOINT RESOLUTIONS

The Speaker of the House, in the presence of the House, immediately after the titles had been publicly read by the Clerk, the reading at length having been

dispensed with by a two-thirds vote of a quorum present, signed the House Joint Resolutions, the titles of which are set out in the foregoing Report of the Standing Committee on Rules.

RESOLUTIONS

The following resolution was introduced and distributed according to Joint Rule 11:

By Representative Clay:

H.R. 46. MOURNING THE DEATH OF DOUGLAS JONES OF TUSKEGEE, ALABAMA.

Also:

The following resolution was introduced:

By Representatives Letson, Hall, Anderson, Barnes, Beasley, Biddle, Black (L), Black (M), Blakeney, Bowling, Box, Bryant, Bugg, Burke, Buskey (JE), Buskey (JL), Butler, Cagle, Campbell, Carns, Carothers, Carter, Clark (J), Clark (W), Clay, Cosby, Crow, Cullins, Curry, Dolbare, Drake, Escott-Russell, Flowers, Ford, Freeman, Fuller, Gaines, Gaston, Goodwin, Grayson, Gullatt, Hamilton, Hammett, Harper, Harvey, Hawkins, Haynes, Higginbotham, Hill, Hogan, Holladay, Holley, Holmes, Hooper, Johnson, Kennedy, Knight, Kvalheim, Laird, Layson, Lindsey, Mathis, McClain, McDaniel, McDowell, McKee, McMillan, Melton, Mikell, Millican, Morrow, Morton, Newman, Newton (C), Newton (D), Parker (P), Parker (T), Payne, Penry, Perdue, Petelos, Poole, Powell, Rich, Richardson, Rockhold, Rogers (F), Rogers (J), Sanderford, Sanderson, Smith (C), Smith (R), Spratt, Starkey, Thomas, Turner, Turnham, Venable, Walker, Warren, White, Williams, Willis and Zoghby:

H.R. 47. MEMORIALIZING THE U. S. CONGRESS TO ASSIST AGRICULTURAL PRODUCERS IN AREAS DECLARED A NATURAL DISASTER.

WHEREAS, the House of Representatives notes the extreme hardships faced by our state's farmers and agricultural businesses; and

WHEREAS, there is an immediate and urgent need for federal assistance to these areas of our state which have been declared an agricultural disaster area; and

WHEREAS, all avenues of federal funding should be considered to obtain necessary funds to assist our agricultural producers; now therefore,

BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES OF THE LEGISLATURE OF ALABAMA, That we respectfully urge the United States Congress to use all available excess funds in any United States Department of Agriculture's commodity program, including the Target Pricing Program, to assist agricultural producers in areas declared a natural disaster.

BE IT FURTHER RESOLVED, That copies of this resolution be sent to the presiding officer of the U. S. Senate and the U. S. House of Representatives and each member of Alabama's United States Congressional Delegation.

On motion of Representative Letson, the rules were suspended and the resolution, H.R. 47, was adopted.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and adopted the following Senate Joint Resolution and sends same herewith to the House for its consideration:

By Senator Corbett:

S.J.R. 25. CREATING A JUDICIAL COMMISSION TO SET LEGISLATIVE EXPENSE ALLOWANCES.

WHEREAS, the appellate courts of this state are located in the capitol complex in Montgomery and the members of said courts are acutely aware of the awesome responsibilities and duties of the members of the Legislature; and

WHEREAS, the judges on said courts are knowledgeable as to the expense allowances provided by other states to members of their legislatures; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That there is hereby created a judicial commission on legislative compensation to be composed of the presiding judge of the criminal court of appeals, the presiding judge of the civil court of appeals and the chief justice of the supreme court. Such commission shall determine the amount of expense allowances of the members of the Legislature and shall report to the Legislature on the first day of the first regular session of each new legislative quadrennium. Such amount as determined by such commission shall become effective immediately upon receipt of such report by the presiding officers of the House of Representatives and the Senate unless rejected by a majority vote of the membership of both the House and Senate.

RESOLVED FURTHER, That the clerk of the House shall send a copy of this resolution to the chief justice of the supreme court and to the presiding judges of the courts of criminal and civil appeals.

MCDOWELL LEE
Secretary

SENATE MESSAGE

MOTION TO SUSPEND RULES LOST

The motion offered by Representative Harper to suspend the rules and adopt the resolution, S.J.R. 25, set out in the foregoing Message from the Senate was lost, lacking a four-fifths vote.

Yeas 70; Nays 29.

Yea:

Mr. Speaker, Anderson, Barnes, Beasley, Black (L), Black (M), Blakeney, Bowling, Bryant, Bugg, Burke, Buskey (JE), Buskey (JL), Butler, Cagle, Campbell, Carns, Carter, Clark (W), Clay, Cullins, Dolbare, Drake, Escott-Russell, Flowers, Ford, Freeman, Fuller, Gaines, Grayson, Gullatt, Hall, Harper, Hawkins, Haynes, Hogan, Holladay, Holmes, Kennedy, Knight, Laird, Letson, Mathis, McClain, McDowell, Melton, Millican, Morrow, Morton, Newman, Newton (D), Parker (P), Penry, Perdue, Powell, Rockhold, Rogers (F), Rogers (J), Sanderford, Sanderson, Spratt, Starkey, Thomas, Turner, Turnham, Warren, White, Williams, Willis and Zoghby.

-70

Nay:

Representatives Carothers, Cosby, Crow, Curry, Gaston, Hamilton, Hammett, Harvey, Higginbotham, Hill, Holley, Hooper, Johnson, Kvalheim, Layson, Lindsey, McKee, Mikell, Newton (C), Parker (T), Payne, Petelos, Poole, Rich, Richardson, Smith (C), Smith (R), Venable and Walker.

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The resolution, S.J.R. 25, was read and referred to the Standing Committee on Rules.

REQUEST FOR COMMITTEE TO MEET

At the request of Representative Carter, leave of the House was granted for the Standing Committee on Rules to meet while the House is in session.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and adopted the following Senate Joint Resolutions and sends same herewith to the House for its consideration:

By Senator Dixon:

S.J.R. 24. COMMENDING MONTGOMERY CITIZEN OF THE YEAR,
MAYOR EMORY FOLMAR.

Also:

By Senator Preultt:

S.J.R. 27. REQUESTING ADEM TO DELAY ISSUANCE OF PERMIT TO
OPERATE A SOLID WASTE DISPOSAL SITE IN TALLADEGA COUNTY
UNTIL IMPACT ON CHILDERSBURG'S WATER SUPPLY IS DETERMINED.

Also:

By Senator Windom:

S.J.R. 29. HONORING DONALD S. JEFFERIES BY NAMING THE
GENERAL ADMINISTRATION BUILDING AT SOUTHWEST STATE
TECHNICAL COLLEGE THE "DONALD S. JEFFERIES ADMINISTRATION
BUILDING."

MCDOWELL LEE
Secretary

SENATE MESSAGE

On motion of Representative Hooper, the rules were suspended, and the House concurred in and adopted the resolution, S.J.R. 24, the title of which is set out in the foregoing Message from the Senate.

Also:

On motion of Representative Venable, the rules were suspended, and the House concurred in and adopted the resolution, S.J.R. 27, the title of which is set out in the foregoing Message from the Senate.

Also:

On motion of Representative Kvalheim, the rules were suspended, and the House concurred in and adopted the resolution, S.J.R. 29, the title of which is set out in the foregoing Message from the Senate.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and adopted the following Senate Joint Resolution and sends same herewith to the House for its consideration:

By Senator Hale:

S.J.R. 23. CREATING THE JOINT INTERIM STUDY COMMITTEE ON INTRASTATE COMMUTER AIR LINE SERVICE IN ALABAMA.

WHEREAS, the Alabama Legislature notes that there is a serious inadequacy of commuter air line service within the state; and

WHEREAS, a comprehensive study plan to assess and present solutions to the needs of adequate commuter air line service is necessary for the Legislature to address these needs; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That there is hereby created the joint interim study committee on intrastate commuter air line service in Alabama to be composed of eight members. The Lieutenant Governor shall appoint four members from the Senate to said committee; the Speaker of the House shall appoint four members from the House to said committee. The committee shall elect from its members its chairperson and co-chairperson and shall set its own rules of procedure to conduct its business; said committee shall meet on call of its chairperson.

BE IT FURTHER RESOLVED, That the committee shall include in its comprehensive study plan the feasibility of providing for an intrastate commuter air line service in Alabama; the potential for such service; and the availability and interest of commuter airlines to provide the service. The committee shall report its findings and recommendations to the Legislature by the fifth (5th) legislative day of the 1991 Regular Session, at which time the committee shall terminate.

FURTHER RESOLVED, That the members of such committee shall be entitled to receive their normal per diem and expense allowances on committee meeting days. Provided, however, that such committee shall not expend more than \$5,000.00 on meetings during its existence. Upon request of its chairperson, the Secretary of the Senate and the Clerk of the House shall provide meeting space and clerical assistance as may be necessary for the committee's work.

MCDOWELL LEE
Secretary

SENATE MESSAGE

On motion of Representative Freeman, the rules were suspended, and the House concurred in and adopted the resolution, S.J.R. 23, set out in the foregoing Message from the Senate.

COMMITTEE APPOINTED

The Speaker appointed as a committee on the part of the House, Representatives Holmes, Hooper and Buskey (JL) relating to the resolution, H.J.R. 40.

REPORT OF STANDING COMMITTEE ON RULES

Representative Carter, Chairman of the Standing Committee on Rules, reported that said Committee, in session, has acted on the resolution, S.J.R. 25, and ordered same returned to the House with a favorable report.

And the resolution, S.J.R. 25, was adopted.

Yeas 60; Nays 32.

Yea:

Mr. Speaker, Anderson, Barnes, Beasley, Black (L), Black (M), Blakeney, Bowling, Bryant, Bugg, Burke, Buskey (JE), Buskey (JL), Cagle, Campbell, Carter, Clark (W), Clay, Cullins, Dolbare, Drake, Escott-Russell, Flowers, Freeman, Gaines, Grayson, Hall, Harper, Harvey, Haynes, Hogan, Holladay, Holmes, Kennedy, Laird, Letson, Mathis, McClain, McDowell, Melton, Millican, Morrow, Newman, Newton (D), Parker (P), Penry, Perdue, Powell, Rockhold, Rogers (J), Sanderford, Sanderson, Spratt, Thomas, Turner, Turnham, White, Williams, Willis and Zoghby.

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Nay:

Representatives Carns, Carothers, Cosby, Crow, Curry, Ford, Gaston, Hamilton, Hammett, Hawkins, Higginbotham, Hill, Holley, Johnson, Knight, Kvalheim, Layson, Lindsey, McKee, Mikell, Morton, Newton (C), Parker (T), Petelos, Poole, Rich, Richardson, Smith (C), Smith (R), Venable, Walker and Warren.

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MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has concurred in and adopted the Report of the Committee on Conference on the disagreement of the two Houses on the House amendment to the Senate Joint Resolution:

S.J.R. 9. CREATING AN INTERIM COMMITTEE ON FINANCES AND BUDGETS.

said Conference Report being in words and figures as follows:

REPORT OF CONFERENCE COMMITTEE

We, the Committee on Conference, appointed to reconcile the differences of the two houses concerning Senate Joint Resolution 9, have met in conference and

have agreed to accept the attached substitute which is made a part of this report as is fully set out herein.

FRED HORN
EARL HILLIARD
CRUM FOSHEE

Conferees on the Part of the Senate

TAYLOR HARPER
DEWAYNE FREEMAN
NOLAN WILLIAMS

Conferees on the Part of the House

CONFERENCE COMMITTEE REPORT FOR SENATE JOINT RESOLUTION 9

CREATING AN INTERIM COMMITTEE ON FINANCES AND BUDGETS.

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, that there is hereby created an Interim Committee on Finances and Budgets to meet during the interim periods between the regular sessions of the Legislature, during which periods the members, including Ex Officio members, shall each be entitled to, and shall receive, the same daily legislative compensation, expense allowances, per diem and other compensation which they receive while in legislative session for each weekday, Monday through Friday, during any week in which the committee actually meets. It is provided however, that members must be present each scheduled meeting day during such week in order to receive the full five days compensation. Otherwise, committee members will receive compensation only for those days in which committee meetings are attended. Said Committee shall not be paid for more than 45 calendar days in any single interim period. The compensation of Committee employees shall be paid as provided in Sections 29-1-9 and 29-1-10 of the Code of Alabama 1975. However it is further provided, that the Co-Chairmen and Vice Co-Chairmen of the Interim Committee on Finances and Budgets shall receive fifty dollars per day in addition to the same daily legislative compensation, expense allowances, per diem and other compensation which they receive while in legislative session for each day of the week, Monday through Friday during the period in which budget hearings are actually scheduled regardless of whether the Committee meets as a whole or in sub-committees. It shall be the duty of the Committee to make a careful investigation and study of the financial condition of the state, hold budget hearings, inquire into ways and means of financing state government and its programs, and report its findings and recommendations as herein provided. The Committee shall be composed of the members of the Senate Committee on Finance and Taxation, the Lieutenant Governor, the President Pro Tempore of the Senate, four additional members of the Senate to be appointed by the Lieutenant Governor, the members of the House Committee on Ways and

Means, the Speaker Pro Tempore of the House, the Speaker of the House, and thirteen additional members of the House to be appointed by the Speaker of the House of Representatives. The President and the President Pro Tempore of the Senate and the Speaker and the Speaker Pro Tempore of the House shall be Ex Officio voting members of the Committee. In addition, the members of the Joint Continuing Committee to Study the Tax Structure of the State of Alabama and the Distribution of Tax Revenues shall be invited to attend and participate in any hearings set by the Interim Committee on Finances and Budgets. It is also provided, that members of said tax structure committee who are not also members of the Interim Committee on Finances and Budgets, shall be paid at the same rate and under the same conditions as members of the Interim Committee on Finances and Budgets.

The Chairman of the Senate Committee on Finance and Taxation and the Chairman of the House Ways and Means Committee shall be Co-Chairmen. The said Co-Chairmen shall each appoint one Vice Co-Chairman and shall set the schedule and program for committee work. The said Co-Chairmen shall fix the days and hours of meetings and conduct hearings and examine witnesses who appear before the Committee. Each Co-Chairman may appoint Sub-committees and invest them with such authority as may be deemed necessary to conduct the Committee's business and expedite its work. Members appointed to any Sub-committee shall each be entitled to, and shall receive compensation as is provided for in the above paragraph for members of the Interim Committee on Finances and Budgets for each day said members attend a Sub-committee meeting that is not also a meeting day of the Interim Committee. Said Sub-committee members shall not be paid for more than 30 additional calendar days in any single interim period for work of said Sub-committee. The Secretary of the Senate, the Clerk of the House of Representatives and the Director of the Legislative Fiscal Office shall provide the Committee with such clerical and expert assistance from among their respective staffs as may be necessary.

All departments, boards, bureaus, commissions, agencies, offices and institutions of the state shall and are hereby directed to cooperate fully with the Committee and its staff and shall furnish any and all information that may be requested by the Committee or its staff.

BE IT FURTHER RESOLVED, That the final report of the Committee, along with findings and recommendations, shall be submitted to the Governor and to each member of the Legislature no later than the seventh legislative day of the regular session. Said Committee shall terminate November 1, 1994.

And said Senate Joint Resolution, S.J.R. 9, together with the Report of the Committee on Conference, is herewith sent to the House for its consideration.

MCDOWELL LEE
Secretary

SENATE MESSAGE

On motion of Representative Harper, the House concurred in and adopted

the Report of the Committee on Conference on the disagreement of the two Houses on the House amendment to the resolution, S.J.R. 9, said report being set out in the foregoing Message from the Senate.

Yeas 44; Nays 40.

Yea:

Mr. Speaker, Anderson, Barnes, Beasley, Black (L), Bryant, Bugg, Buskey (JE), Buskey (JL), Campbell, Carothers, Carter, Clark (W), Curry, Dolbare, Drake, Flowers, Ford, Freeman, Fuller, Hall, Harper, Harvey, Haynes, Higginbotham, Holladay, Holmes, Kennedy, Lindsey, Mathis, McClain, Melton, Parker (P), Powell, Rockhold, Rogers (J), Spratt, Starkey, Thomas, Turner, Turnham, Warren, Williams and Zoghby.

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Nay:

Representatives Blakeney, Cagle, Carns, Cosby, Crow, Cullins, Gaines, Gaston, Hamilton, Hammett, Hawkins, Hill, Hogan, Holley, Johnson, Knight, Kvalheim, Laird, Layson, Letson, McDaniel, McKee, Mikell, Millican, Morrow, Morton, Newton (C), Parker (T), Payne, Poole, Rich, Richardson, Rogers (F), Sanderford, Sanderson, Smith (C), Smith (R), Venable, Walker and Willis.

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MESSAGE FROM THE SENATE

Mr. Speaker:

The President and Presiding Officer of the Senate having signed the following Senate Joint Resolution, your signature thereto is requested:

S.J.R. 6. REQUESTING THE ATTORNEY GENERAL TO INVESTIGATE THE COSTS OF ALL LEGAL SERVICES PERFORMED FOR THE STATE OF ALABAMA DURING PAST TWO QUADRENNIUMS.

MCDOWELL LEE
Secretary

SIGNING OF SENATE JOINT RESOLUTION

The Speaker of the House, in the presence of the House, immediately after

the title had been publicly read by the Clerk, the reading at length having been dispensed with by a two-thirds vote of a quorum present, signed the Senate Joint Resolution, the title of which is set out in the foregoing Message from the Senate.

MESSAGE FROM THE SENATE

Mr. Speaker:

The President and Presiding Officer of the Senate having signed the following Senate Joint Resolutions, your signature thereto is requested:

S.J.R. 23. CREATING THE JOINT INTERIM STUDY COMMITTEE ON INTRASTATE COMMUTER AIR LINE SERVICE IN ALABAMA.

Also:

S.J.R. 24. COMMENDING MONTGOMERY CITIZEN OF THE YEAR, MAYOR EMORY FOLMAR.

Also:

S.J.R. 25. CREATING A JUDICIAL COMMISSION TO SET LEGISLATIVE EXPENSE ALLOWANCES.

Also:

S.J.R. 27. REQUESTING ADEM TO DELAY ISSUANCE OF PERMIT TO OPERATE A SOLID WASTE DISPOSAL SITE IN TALLADEGA COUNTY UNTIL IMPACT ON CHILDERSBURG'S WATER SUPPLY IS DETERMINED.

Also:

S.J.R. 29. HONORING DONALD S. JEFFERIES BY NAMING THE GENERAL ADMINISTRATION BUILDING AT SOUTHWEST STATE TECHNICAL COLLEGE THE "DONALD S. JEFFERIES ADMINISTRATION BUILDING."

**MCDOWELL LEE
Secretary**

SIGNING OF SENATE JOINT RESOLUTIONS

The Speaker of the House, in the presence of the House, immediately after the titles had been publicly read by the Clerk, the reading at length having been dispensed with by a two-thirds vote of a quorum present, signed the Senate Joint Resolutions, the titles of which are set out in the foregoing Message from the Senate.

MESSAGE FROM THE SENATE

Mr. Speaker:

The President and Presiding Officer of the Senate having signed the following Senate Joint Resolution, your signature thereto is requested:

S.J.R. 9. CREATING AN INTERIM COMMITTEE ON FINANCES AND BUDGETS.

MCDOWELL LEE
Secretary

SIGNING OF SENATE JOINT RESOLUTION

The Speaker of the House, in the presence of the House, immediately after the title had been publicly read by the Clerk, the reading at length having been dispensed with by a two-thirds vote of a quorum present, signed the Senate Joint Resolution, the title of which is set out in the foregoing Message from the Senate.

REPORT OF STANDING COMMITTEE ON RULES

House of Representatives:

Your Standing Committee on Rules begs leave to report that it has carefully examined the Journal of the House for the third legislative day and finds the same to be correct.

TOMMY CARTER
Chairman

On motion of Representative Carter, the reading at length of the Journal of the House for the third legislative day was dispensed with, the Report of the Standing Committee on Rules was concurred in and adopted and the Journal for the third legislative day was approved.

CERTIFICATE OF CLERK

To the House of Representatives:

I hereby certify that the House Joint Resolutions mentioned were delivered to the Executive Department on the date and hour named and that I hold the receipt of the Executive Department for same.

**JOURNAL OF THE HOUSE, 1991
3rd Day**

Delivered to the Governor at 1:40 P.M. on January 15, 1991.

H.J.R. 2

H.J.R. 16

H.J.R. 4

H.J.R. 17

H.J.R. 6

H.J.R. 18

H.J.R. 7

H.J.R. 19

H.J.R. 8

H.J.R. 20

H.J.R. 9

H.J.R. 21

H.J.R. 10

H.J.R. 13

Delivered to the Governor at 2:02 P.M. on January 15, 1991.

H.J.R. 33

H.J.R. 35

H.J.R. 38

H.J.R. 40

H.J.R. 39

JOHN W. PEMBERTON
Clerk

ADJOURNMENT

On motion of Representative White and pursuant to the resolution, H.J.R. 33, heretofore adopted, the House adjourned sine die at 2:35 o'clock P.M.

JOHN W. PEMBERTON
Clerk of the House of Representatives
of the Legislature of Alabama
Organizational Session, 1991

**HOUSE OF REPRESENTATIVES
ORGANIZATIONAL SESSION 1991**

ALPHABETICAL ROSTER AND DISTRICT NUMBER

Morris Anderson, 8	Perry O. Hooper, Jr., 73
David Barnes, 58	Ron Johnson, 33
John P. Beasley, 85	Yvonne Kennedy, 103
Jack Biddle, III, 43	Al Knight, 40
Lucius Black, 67	Ken Kvalheim, 101
Marcel Black, 2	Richard Laird, 37
Harrell Blakeney, 66	Allen Layson, 15
W. C. "Bill" Bowling, 12	Sam Letson, 7
Mike Box, 96	Richard Lindsey, 39
Morris J. "Mo" Brooks, Jr., 10	Nathan Mathis, 87
Jenkins Bryant, Jr., 68	Edward B. (E. B.) McClain, 57
June Bugg, 29	W. F. (Frank) McDaniel, 26
Ralph Burke, 24	Bobby Greene McDowell, 56
John L. Buskey, 77	Bob McKee, 74
James E. Buskey, 99	Steve McMillan, 95
Tom Butler, 6	Bryant Melton, Jr., 61
Johnny Cagle, 14	Mike Mikell, 76
James M. Campbell, 36	Mike Millican, 17
Jim Carns, 46	Johnny Mack Morrow, 18
Joe Carothers, 86	Albert G. Morton, 45
Tommy Carter, 5	Max "Spider" Newman, 16
James S. (Jimmy) Clark, 84	Charles Newton, 90
William "Bill" Clark, 98	Demetrius C. Newton, 53
George H. Clay, 82	Paul Parker, 9
W. F. "Noopie" Cosby, Jr., 70	Tim Parker, 63
Bobby Crow, 35	Arthur Payne, 44
James T. Cullins, 81	Walter E. Penry, Jr., 94
Johnny L. Curry, 50	George Perdue, 54
Jeff Dolbare, 65	Tony Petelos, 49
Tom Drake, 11	Phil Poole, 62
Sundra Escott-Russell, 60	Horace W. Powell, 71
Steve Flowers, 89	Kerry Rich, 25
Joe Ford, 28	Ben Richardson, 23
Dewayne Freeman, 21	Lois Rockhold, 104
Bill Fuller, 38	Frank Rogers, 51
Mark Gaines, 55	John W. Rogers, 52
Victor Gaston, 100	Howard Sanderford, 20
J. W. (Joe) Goodwin, 3	Allen Sanderson, 47
George Grayson, 19	Roy Smith, 30
Jane Gullatt, 83	Curtis Smith, 72
Albert Hall, 22	Lewis G. Spratt, Sr., 59
James H. (Goat) Hamilton, 4	Nelson R. Starkey, Jr., 1
Seth Hammett, 92	James Louis Thomas, 69
Taylor Harper., 105	J. E. Turner, 102
Bob Harvey, 27	Pete Turnham, 79
John H. Hawkins, Jr., 48	Jack B. Venable, 31
Clarence Haynes, 32	James E. (Jimmy) Warren, 64
G. J. (Dutch) Higginbotham, 80	Claud Walker, 75
Mike Hill, 41	F. P. "Skippy" White, 93
Tom Hogan, 13	R. Nolan Williams, 88
Hugh Holladay, 42	Gerald Willis, 34
Jimmy W. Holley, 91	Mary S. Zoghby, 97
Alvin Holmes, 78	

**ROSTER OF THE HOUSE OF REPRESENTATIVES
OF ALABAMA
ORGANIZATIONAL SESSION 1991**

OFFICERS

JAMES S. CLARK, *Speaker*, Eufaula

JAMES M. CAMPBELL, *Speaker Pro Tem*, Anniston

JOHN W. PEMBERTON, *Clerk*, Montgomery

GREG PAPPAS, *Assistant Clerk*, Montgomery

VANNAH W. NORRELL, *Chief Clerk*, Montgomery

MEMBERS OF THE HOUSE

Dist. Nos.	Counties & Names	Addresses
1	LAUDERDALE Nelson R. Starkey, Jr.....	301 North Pine Street, Florence 35630
2	COLBERT Marcel Black	P.O. Box 491, Tuscumbia 35674
3	COLBERT, LAUDERDALE J. W. (Joe) Goodwin.....	310 Ford Road, Muscle Shoals 35661
4	LAUDERDALE, LIMESTONE James H. (Goat) Hamilton.....	Route 3, Box 119, Rogersville 35652
5	LIMESTONE Tommy Carter	Route 2, Box 82, Elkmont 35620
6	MADISON Tom Butler	136 Hartington Drive, Madison 35758
7	LAWRENCE, MORGAN Sam Letson	3980 Highway 36, Moulton 35650
8	MORGAN Morris Anderson	1402 Runnymede, Southwest, Decatur 35601
9	MORGAN Paul Parker.....	303 North Douglas Street, Hartselle 35640
10	MADISON Morris J. "Mo" Brooks, Jr.	9009 Randall Road, Huntsville 35802
11	CULLMAN, MORGAN Tom Drake.....	P.O. Box 1165, Cullman 35055

**ROSTER OF THE HOUSE OF REPRESENTATIVES
OF ALABAMA—Continued**

- 12 **CULLMAN**
W. C. "Bill" Bowling Route 2, Box 751, Hanceville 35077
- 13 **WALKER**
Tom Hogan.....300 12th Avenue, Northeast, Jasper 35501
- 14 **TUSCALOOSA, WALKER**
Johnny Cagle.....Route 2, Box 105, Nauvoo 35578
- 15 **PICKENS, TUSCALOOSA**
Allen Layson P.O. Box 910, Reform 35481
- 16 **FAYETTE, LAMAR, MARION**
Max "Spider" Newman P.O. Box 548, Millport 35576-0548
- 17 **MARION, WINSTON**
Mike Millican Route 1, Box 71, Hamilton 35570
- 18 **FRANKLIN, MARION**
Johnny Mack Morrow Route 6, Box 262A, Russellville 35653
- 19 **MADISON**
George Grayson.....P.O. Box 38, Normal 35762
- 20 **MADISON**
Howard Sanderford.....908 Tannahill Drive, S.E., Huntsville 35802-1971
- 21 **MADISON**
Dewayne Freeman 114 East Becky Circle, Meridianville 35759
- 22 **JACKSON, MADISON**
Albert Hall Route 1, P.O. Box 275, Gurley 35748
- 23 **JACKSON**
Ben Richardson P.O. Box 1017, Scottsboro 35768
- 24 **DEKALB**
Ralph Burke.....P.O. Box 876, Fort Payne 35967
- 25 **MARSHALL**
Kerry Rich 117 Stoddard Circle, Arab 35016
- 26 **DEKALB, MARSHALL**
W. F. (Frank) McDaniel P.O. Box 577, Albertville 35950
- 27 **BLOUNT**
Bob Harvey Route 5, Box 4998, Oneonta 35121
- 28 **ETOWAH**
Joe Ford Gadsden State Community College
P.O. Box 227, Gadsden 35902-0227
- 29 **ETOWAH**
June Bugg.....610 South Fifth Street, Gadsden 35901
- 30 **ETOWAH, ST. CLAIR**
Roy Smith.....208 Robin Circle, Gadsden 35901

**ROSTER OF THE HOUSE OF REPRESENTATIVES
OF ALABAMA—Continued**

- 31 **COOSA, ELMORE**
Jack B. Venable P.O. Box 736, Tallassee 36078
- 32 **TALLADEGA**
Clarence Haynes.....P.O. Box 1041, Talladega 35160
- 33 **TALLADEGA**
Ron Johnson.....Route 5, Box 17, Sylacauga 35150
- 34 **CALHOUN**
Gerald Willis.....Route 2, Box 286, Piedmont 36272
- 35 **CALHOUN**
Bobby Crow 150 Huckelberry Ridge, Anniston 36201
- 36 **CALHOUN**
James M. Campbell P.O. Box 2003, Anniston 36202
- 37 **CHAMBERS, RANDOLPH, CLAY**
Richard Laird 1507 Bonner Drive, Roanoke 36274
- 38 **CHAMBERS**
Bill Fuller 118 South LaFayette Street, LaFayette 36862
- 39 **CHEROKEE, CLEBURNE, DEKALB**
Richard Lindsey Route 2, Box 394, Centre 35960
- 40 **BIBB, SHELBY**
Al Knight 2421 Brook Run, Birmingham 35244
- 41 **SHELBY**
Mike Hill.....P.O. BOX 1478, Columbiana 35051-1478
- 42 **ST. CLAIR**
Hugh Holladay 1711 Cogswell Avenue, Pell City 35125
- 43 **JEFFERSON**
Jack Biddle, III 2256 Pinehurst Drive, Gardendale 35071
- 44 **JEFFERSON**
Arthur Payne.....2825 Second Street, Northwest, Birmingham 35215
- 45 **JEFFERSON**
Albert G. Morton.....833 Zellmark Drive, Birmingham 35235
- 46 **JEFFERSON**
Jim Carns.....Modern Sales, Inc., 3 Office Park Circle
Suite 120, Birmingham 35223
- 47 **JEFFERSON**
Allen Sanderson 126 Greenbriar Lane, Birmingham 35213
- 48 **JEFFERSON**
John H. Hawkins, Jr. 1841 Montclair Drive, Birmingham 35216
- 49 **JEFFERSON**
Tony Petelos 1241 13th Place, Pleasant Grove 35127

**ROSTER OF THE HOUSE OF REPRESENTATIVES
OF ALABAMA—Continued**

- 50 **JEFFERSON**
Johnny L. Curry.....3264 Fieldale Drive, Hueytown 35023
- 51 **JEFFERSON**
Frank Rogers.....803 North Main Street, Graysville 35073
- 52 **JEFFERSON**
John W. Rogers.....1424 18th Street, Southwest, Birmingham 35211
- 53 **JEFFERSON**
Demetrius C. Newton P.O. Box 2525, Birmingham 35202
- 54 **JEFFERSON**
George Perdue.....P.O. Box 2473, Birmingham 35201
- 55 **JEFFERSON**
Mark Gaines.....329 Sterrett Avenue, Homewood 35209
- 56 **JEFFERSON**
Bobbie Greene McDowell 2322 Dartmouth Avenue, Bessemer 35020
- 57 **JEFFERSON**
Edward B. (E. B.) McClain.....3826 Troy Terrace, Brighton 35020
- 58 **JEFFERSON**
David Barnes.....9717 Zion City Road, Birmingham 35217
- 59 **JEFFERSON**
Lewis G. Spratt, Sr.....3809 Fourth Street, West, Birmingham 35207
- 60 **JEFFERSON**
Sundra Escott-Russell.....P.O. Box 8343, Birmingham 35218
- 61 **TUSCALOOSA**
Bryant Melton, Jr. 5003 4th Avenue, Tuscaloosa 35405
- 62 **TUSCALOOSA & HALE**
Phil Poole.....P.O. Box 609, Moundville 35474
- 63 **TUSCALOOSA**
Tim Parker.....P.O. Box 020908, Tuscaloosa 35402-0908
- 64 **CONECUH, MONROE**
James E. (Jimmy) Warren P.O. Box 207, Castleberry 36432
- 65 **CLARKE, WASHINGTON**
Jeff Dolbare Star Route, Box 17, Bigbee 36510
- 66 **CHOCTAW, CLARKE, MARENGO**
Harrell Blakeney 1101 Old Highway 5, South
Thomasville 36784
- 67 **CHOCTAW, GREENE, SUMTER**
Lucius Black.....P.O. Box 284, York 36925
- 68 **DALLAS, HALE, PERRY**
Jenkins Bryant, Jr.....Route 1, Box 482, Newbern 36765

**ROSTER OF THE HOUSE OF REPRESENTATIVES
OF ALABAMA—Continued**

- 69 **DALLAS, LOWNDES, WILCOX**
James Louis Thomas.....2713 Highway 14, E., Selma 36701
- 70 **DALLAS**
W. F. "Noopie" Cosby, Jr. P.O. Box 683, Selma 36702
- 71 **AUTAUGA, CHILTON**
Horace W. Powell 943 East Main Street, Prattville 36067
- 72 **BIBB, CHILTON**
Curtis Smith Route 3, Box 118, Clanton 35045
- 73 **MONTGOMERY**
Perry O. Hooper, Jr. 4121 Carmichael Road, Montgomery 36104-3640
- 74 **MONTGOMERY**
Bob McKee P.O. Box 424, Montgomery 36101
- 75 **MONTGOMERY**
Claud Walker P.O. Box 250477, Montgomery 36125
- 76 **ELMORE, MONTGOMERY**
Mike Mikell.....P.O. Box 993, Millbrook 36054
- 77 **MONTGOMERY**
John L. Buskey.....P.O. Box 6216, Montgomery 36106
- 78 **MONTGOMERY**
Alvin Holmes P.O. Box 6064, Montgomery 36106
- 79 **LEE**
Pete Turnham P.O. Box 1592, Auburn 36830
- 80 **LEE**
G. J. (Dutch) Higginbotham P.O. Box 2545, Opelika 36803
- 81 **TALLAPOOSA**
James T. Cullins P.O. Box 5, Alexander City 35010
- 82 **BULLOCK, MACON**
George H. Clay 1201 Lake Shore Drive, Tuskegee 36083
- 83 **RUSSELL**
Jane Gullatt P.O. Box 626, Phenix City 36867
- 84 **BARBOUR, RUSSELL**
James S. (Jimmy) Clark P.O. Box 71, Eufaula 36027
- 85 **HENRY, HOUSTON**
John P. Beasley P.O. Drawer M, Columbia 36319
- 86 **HOUSTON**
Joe Carothers.....Route 8, Box 33, Dothan 36301
- 87 **GENEVA, HOUSTON**
Nathan Mathis.....Rt, 2, Box 317, Wicksburg 36356

**ROSTER OF THE HOUSE OF REPRESENTATIVES
OF ALABAMA—Continued**

- 88 **DALE**
R. Nolan Williams.....Troy State, Dothan
P.O. Box 8368, Dothan 36304
- 89 **DALE, PIKE**
Steve Flowers P.O. Box 973, Troy 36081
- 90 **BUTLER, CRENSHAW**
Charles Newton.....301 South Park Street, Greenville 36037
- 91 **COFFEE**
Jimmy W. Holley.....Route 2, Box 254-E, Elba 36323
- 92 **COVINGTON**
Seth Hammett P.O. Box 1418, Andalusia 36420
- 93 **ESCAMBIA**
F. P. "Skippy" White Route 1, Box 427-Pollard, Flomaton 36441
- 94 **BALDWIN**
Walter E. Penry, Jr. 12040 County Road 54, Daphne 36526
- 95 **BALDWIN**
Steve McMillan P.O. Box 337, Bay Minette 36507
- 96 **MOBILE**
Mike Box P.O. Box 931, Saraland 36571
- 97 **MOBILE**
Mary S. Zoghby 2862 Hilburn Drive, Mobile 36606
- 98 **MOBILE**
William "Bill" Clark.....711 S. Atmore Avenue, Prichard 36612
- 99 **MOBILE**
James E. Buskey.....2207 Barretts Lane, Mobile 36617
- 100 **MOBILE**
Victor Gaston 864 West Parkwood Drive, Mobile 36608
- 101 **MOBILE**
Ken Kvalheim 421 Dogwood Drive, Mobile 36609
- 102 **MOBILE**
J. E. Turner.....P.O. Box 777, Citronelle 36522
- 103 **MOBILE**
Yvonne Kennedy.....1205 Glennon Avenue, Mobile 36603
- 104 **MOBILE**
Lois Rockhold.....5163 Santos Drive, East, Mobile 36619
- 105 **MOBILE**
Taylor Harper.....P.O. Box 229, Grand Bay 36541

**STANDING COMMITTEES
HOUSE OF REPRESENTATIVES
OF ALABAMA 1991**

AGRICULTURE, FORESTRY AND NATURAL RESOURCES

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BANKING

Mary Zoghby, Chairperson; John Hawkins, Vice Chairperson; Members: John Beasley, "Noopie" Cosby, Sundra Escott-Russell, Joe Ford, Mark Gaines, Seth Hammett, Mike Hill, Hugh Holladay, Johnny Morrow, Charles Newton, George Perdue, Tony Petelos, James Thomas.

BUSINESS AND LABOR

John Beasley, Chairperson; Frank McDaniel, Vice Chairperson; Members: Johnny Cagle, Tommy Carter, James Cullins, William Fuller, Mark Gaines, Yvonne Kennedy, Richard Laird, Allen Layson, Steve McMillan, Bryant Melton, Arthur Payne, Roy Smith, Lewis Spratt.

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Perry Hooper, Chairperson; Mike Box, Vice Chairperson; Members: Lucius Black, Ralph Burke, Johnny Cagle, Joe Ford, Victor Gaston, Jane Gullatt, Seth Hammett, Richard Lindsey, Tim Parker, George Perdue, John Rogers, Allen Sanderson, Mary Zoghby.

CONSTITUTION AND ELECTIONS

Bobbie McDowell, Chairperson; James Campbell, Vice Chairperson; Members: Morris Anderson, Marcel Black, Bill Bowling, Mike Box, Johnny Curry, Steve Flowers, Steve McMillan, Charles Newton, Lois Rockhold, Curtis Smith, James Thomas, Jack Venable, Claud Walker.

EDUCATION

Paul Parker, Chairperson; June Bugg, Vice Chairperson; Members: William Clark, Jeff Dolbare, John Hawkins, Mike Hill, Hugh Holladay, Alvin Holmes, Bryant Melton, Mike Millican, Johnny Morrow, Phil Poole, Horace Powell, Curtis Smith, Mary Zoghby.

HEALTH

Joe Carothers, Chairperson; Ron Johnson, Vice Chairperson; Members: John Beasley, Jack Biddle, Bill Bowling, Tom Butler, Tom Drake, Steve Flowers, Dewayne Freeman, Albert Hall, Clarence Haynes, Ken Kvalheim, Ed McClain, Bobbie McDowell, Lois Rockhold.

HIGHWAY SAFETY

Lewis Spratt, Chairperson; Kerry Rich, Vice Chairperson; Members: Jim Carns, Bobby Crow, Johnny Curry, Tom Drake, Richard Laird, Allen Layson, Albert Morton, Tim Parker, Ben Richardson, Frank Rogers, J. E. Turner, Claud Walker, Gerald Willis.

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Tom Butler, Chairperson; Ken Kvalheim, Vice Chairperson; Members: Marcel Black, "Noopie" Cosby, Tom Drake, Bob Harvey, Jimmy Holley, Perry Hooper, Yvonne Kennedy, Bob McKee, Demetrius Newton, Frank Rogers, Allen Sanderson, Jack Venable, Nolan Williams.

INSURANCE

Steve Flowers, Chairperson; James Buskey, Vice Chairperson; Members: Jim Carns, George Clay, Albert Hall, Jimmy Holley, Richard Lindsey, Frank McDaniel, Bob McKee, Horace Powell, Lois Rockhold, Lewis Spratt, Jack Venable, Nolan Williams, Replacement for House District #10 Seat (Madison County).

JUDICIARY

G. J. Higginbotham, Chairperson; Frank Rogers, Vice Chairperson; Members: Morris Anderson, David Barnes, Lucius Black, Marcel Black, Mike Box, John Buskey, Jim Campbell, Mark Gaines, Hugh Holladay, Ron Johnson, Ken Kvalheim, Demetrius Newton, Tony Petelos.

LOCAL GOVERNMENT

Jane Gullatt, Chairperson; Jimmy Warren, Vice Chairperson; Members: John Buskey, Joe Carothers, Sundra Escott-Russell, James Hamilton, G. J. Higginbotham, Mike Hill, Al Knight, Richard Laird, Sam Letson, Charles Newton, Ben Richardson, J. E. Turner, Gerald Willis.

LOCAL LEGISLATION NO. 1

Bill Bowling, Chairperson; Sam Letson, Vice Chairperson; Members: Morris Anderson, Lucius Black, Steve Flowers, William Fuller, Seth Hammett, Clarence Haynes, Nathan Mathis, Bryant Melton, Johnny Morrow, Max Newman, Walter Penry, Nelson Starkey, Frank ("Skippy") White.

LOCAL LEGISLATION NO. 2

Tony Petelos, Chairperson; Lewis Spratt, Vice Chairperson; Members: David Barnes, Jack Biddle, Jim Carns, Johnny Curry, Sundra Escott-Russell, Mark Gaines, John Hawkins, Ed McClain, Bobbie McDowell, Allen Morton, Demetrius Newton, Arthur Payne, George Perdue, Frank Rogers, John Rogers, Allen Sanderson.

LOCAL LEGISLATION NO. 3

Mary Zoghby, Chairperson; William Clark, Vice Chairperson; Members: Mike Box, James Buskey, Victor Gaston, Taylor Harper, Yvonne Kennedy, Ken Kvalheim, Lois Rockhold, J. E. Turner.

LOCAL LEGISLATION NO. 4

Albert Hall, Chairperson; Dewayne Freeman, Vice Chairperson; Members: Tom Butler, George Grayson, Howard Sanderford, Replacement for House District # 10 Seat (Madison County).

LOCAL LEGISLATION NO. 5

Chairperson and Vice Chairperson to be elected by the delegation. Members: John Buskey, Alvin Holmes, Perry Hooper, Bob McKee, Mike Mikell, Claud Walker.

LOCAL LEGISLATION NO. 6

Phil Poole, Chairperson; Bryant Melton, Vice Chairperson; Members: Johnny Cagle, Allen Layson, Tim Parker.

MILITARY AFFAIRS

William Fuller, Chairperson; Pete Turnham, Vice Chairperson; Members: Jack Biddle, Harrell Blakeney, Bobby Crow, Victor Gaston, Joe Goodwin, Al Knight, Bob McKee, Mike Mikell, Arthur Payne, Howard Sanderford, Claud Walker, Gerald Willis, Replacement for House District # 10 Seat (Madison County).

OIL AND GAS

Victor Gaston, Chairperson; Dewayne Freeman, Vice Chairperson; Members: James Buskey, Tom Butler, William Clark, Jeff Dolbare, G. J. Higginbotham, Tom Hogan, Ken Kvalheim, Mike Millican, Max Newman, Walter Penry, John Rogers, J. E. Turner, Frank ("Skippy") White.

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Jenkins Bryant, Chairperson; Demetrius Newton, Vice Chairperson; Members: Morris Anderson, June Bugg, Johnny Cagle, James Cullins, George Grayson, Jane Gullatt, Alvin Holmes, Mike Mikell, Albert Morton, Paul Parker, George Perdue, Phil Poole, Kerry Rich.

RULES

Tommy Carter, Chairperson; Joe Ford, Vice Chairperson; Members: Jenkins Bryant, James Buskey, Jim Carns, Joe Carothers, William Clark, Albert Hall, Bob Harvey, Clarence Haynes, Ron Johnson, Bobbie McDowell, Allen Sanderson, Jimmy Warren, Frank ("Skippy") White.

SMALL BUSINESS

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James Thomas, Chairperson; Clarence Haynes, Vice Chairperson; Members: Jack Biddle, June Bugg, James Buskey, Joe Goodwin, George Grayson, Tom Hogan, Alvin Holmes, Al Knight, Johany Morrow, Albert Morton, Max Newman, Paul Parker, Nelson Starkey.

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Joe Ford, Chairperson; Ed McClain, Vice Chairperson; Members: David Barnes, Bill Bowling, Ralph Burke, Dewayne Freeman, Albert Hall, Taylor Harper, Perry Hooper, Sam Letson, Nathan Mathis, Walter Penry, Tony Petelos, James Thomas, Nolan Williams.

WAYS AND MEANS

Taylor Harper, Chairperson; Pete Turnham, Vice Chairperson; Members: Ralph Burke, John Buskey, Johnny Curry, Dewayne Freeman, William Fuller, John Hawkins, Yvonne Kennedy, Nathan Mathis, Ed McClain, Max Newman, Tim Parker, John Rogers, Nolan Williams.

**ROSTER OF THE SENATE OF ALABAMA
ORGANIZATIONAL SESSION 1991**

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RYAN DEGRAFFENRIED, *President Pro-Tem*, Tuscaloosa
MCDOWELL LEE, *Secretary*, Montgomery
D. PATRICK HARRIS, *Assistant Secretary*, Montgomery
DAVE AVANT, *Administrative Assistant*, Prattville
MRS. WILLIAM R. LAWLEY, JR., *Chief Clerk*, Montgomery

MEMBERS OF THE SENATE

Dist. Nos.	Counties & Names	Addresses
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2	LAUDERDALE, LIMESTONE, MADISON Jim Smith	108-A South Side Square, Huntsville 35801
3	LAWRENCE, MORGAN Ray Campbell.....	P.O. Box 1988, Decatur 35602-1988
4	CULLMAN, MADISON, MORGAN Don Hale	1725 Woodland Street, N.W., Cullman 35055
5	PICKENS, TUSCALOOSA, WALKER Robert T. Wilson, Jr.	P.O. Box 2088, Jasper 35502
6	FAYETT, FRANKLIN, LAMAR, MARION, WINSTON George R. Bolling	P.O. Box 350, Fayette 35555
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8	DEKALB, JACKSON, MADISON Lowell Ray Barron.....	P.O. Box 65, Fyffe 35971
9	BLOUNT, DEKALB, MARSHALL Hinton Mitchem	P.O. Box 297, Albertville 35950
10	ETOWAH Jack Floyd	816 Chestnut Street, Gadsden 35999

**ROSTER OF THE SENATE
OF ALABAMA—Continued**

- 11 **COOSA, ELMORE, TALLADEGA**
James E. (Jim) Preuitt.....P.O. Box 1063, Talladega 35160
- 12 **CALHOUN**
Doug Ghee P.O. Box 848, Anniston 36202
- 13 **CHAMBERS, CHEROKEE, CLAY, CLEBURNE, DEKALB, RANDOLPH**
Gerald Dial P.O. Box 248, Lineville 36266
- 14 **BIBB, SHELBY, ST. CLAIR**
Frank (Butch) Ellis, Jr.....P.O. Box 587, Columbiana 35051
- 15 **JEFFERSON**
John E. Amari.....9636 Parkway East, Birmingham 35235
- 16 **JEFFERSON**
J. T. (Jabo) Waggoner. Two Perimeter Park, South
Suite 224 W., Birmingham 35243
- 17 **JEFFERSON**
Mac Parsons P.O. Box 3336, Hueytown 35023
- 18 **JEFFERSON**
W. Fred Horn 333 16th Avenue, S.W., Birmingham 35211
- 19 **JEFFERSON**
Jim Bennett 618 Manchester Lane, Homewood 35209
- 20 **JEFFERSON**
Earl F. Hilliard.....P.O. Box 11385, Birmingham 35202
- 21 **HALE, TUSCALOOSA**
Ryan deGraffenried, Jr. P.O. Box 2263, Tuscaloosa 35406
- 22 **CHOCTAW, CLARKE, CONECUH, MARENGO, MONROE, WASHINGTON**
W. H. (Pat) Lindsey 126 South Mulberry, Butler 36904
- 23 **CHOCTAW, DALLAS, GREENE, LOWNDES, PERRY, SUMTER, WILCOX**
Henry (Hank) Sanders.....P.O. Box 1305, Selma 36702-1305
- 24 **AUTAUGA, BIBB, CHILTON, DALLAS**
Walter Owens 445 Walnut Street, Centreville 35042
- 25 **MONTGOMERY**
Larry Dixon.....P.O. Box 946, Montgomery 36101
- 26 **ELMORE, MONTGOMERY**
Charles D. Langford 918 E. Grove Street, Montgomery 36104

**ROSTER OF THE SENATE
OF ALABAMA—Continued**

- 27 LEE, TALLAPOOSA
T. D. (Ted) Little P.O. Box 342, Auburn 36830
- 28 BARBOUR, BULLOCK, MACON, RUSSELL
J. Danny Corbett 45 Wiggins Lane, Phenix City 36869
- 29 GENEVA, HENRY, HOUSTON
Chip Bailey P.O. Box 6791, Dothan 36302
- 30 BUTLER, CRENSHAW, DALE, PIKE
"Walking" Wendell Mitchell.....P.O. Box 225, Luverne 36049
- 31 COFFEE, COVINGTON, ESCAMBIA
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- 32 BALDWIN, MOBILE
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- 33 MOBILE
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- 34 MOBILE
Ann Bedsole.....P.O. Box 16642, Mobile 36616
- 35 MOBILE
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- S.J.R. 25—Judicial Commission on Legislative Compensation, created, pages 82, 83, 86, 90
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- S.J.R. 29—Donald S. Jefferies Building, named, pages 84, 90, Act No. 91-26

JOURNAL
OF THE
House of Representatives
OF THE
STATE OF ALABAMA
REGULAR SESSION
OF 1991

HELD IN THE CITY OF MONTGOMERY
COMMENCING TUESDAY, APRIL 16, 1991



Vol. 1

WITH AN INDEX PREPARED BY THE
CLERK OF THE HOUSE

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**JOURNAL
OF THE
HOUSE OF REPRESENTATIVES
OF THE
STATE OF ALABAMA
REGULAR SESSION
OF 1991**

FIRST DAY

**House of Representatives
Montgomery, Alabama
Tuesday, April 16, 1991**

JOURNAL

of the House of Representatives of the State of Alabama of the Regular Session of 1991, begun and held at the State House in the City of Montgomery, State of Alabama, on the first Tuesday in April, 1991, being the first day of the month in the Year of our Lord, One Thousand Nine Hundred and Ninety-One, at 12 o'clock, M., on which day, the day fixed by law and the Constitution for the meeting of the Legislature of Alabama, the House was called to order by the Honorable James S. Clark, Speaker of the House of Representatives.

PRAYER

The session was opened with prayer by Reverend Jimmie Spikes, Dalraida Methodist Church, Montgomery, Alabama.

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by David Horn, Alba High School, Bayou LaBatre, Alabama.

ROLL CALL

On a call of the roll of the House, the following members answered to their names:

Mr. Speaker, Anderson, Barnes, Beasley, Biddle, Black (L), Black (M), Blakeney, Bowling, Box, Bugg, Burke, Buskey (JE), Buskey (JL), Butler, Cagle, Campbell, Carns, Carothers, Carter, Clark (W), Clay, Cosby, Crow, Cullins, Curry, Dolbare, Escott-Russell, Flowers, Ford, Freeman, Fuller, Gaines, Gaston, Goodwin, Grayson, Gullatt, Hall, Hamilton, Hammett, Harper, Harvey, Hawkins, Haynes, Higginbotham, Hill, Hogan, Holladay, Holley, Holmes, Hooper, Johnson, Kennedy, Knight, Kvalheim, Laird, Layson, Letson, Lindsey, Mathis, McClain, McDaniel, McDowell, McKee, McMillan, Melton, Mikell, Millican, Morrow, Morton, Newman, Newton (C), Newton (D), Parker (P), Parker (T), Payne, Penry, Perdue, Petelos, Poole, Powell, Rich, Richardson, Rockhold, Rogers (F), Rogers (J), Sanderford, Sanderson, Smith (C), Smith (R), Spratt, Starkey, Thomas, Turner, Turnham, Venable, Walker, Warren, White, Williams, Willis and Zoghby.

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A quorum was present.

RESOLUTIONS

The following resolutions were introduced:

By Representative Campbell:

H.R. 1. NOTIFY SENATE

BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES, That the Clerk of the House of Representatives notify the Senate that the House is now in session and is ready for the transaction of public business.

On motion of Representative Campbell, the rules were suspended and the resolution, H.R. 1, was adopted.

Also:

By Representative Campbell:

H.J.R. 2. COMMITTEE APPOINTED TO NOTIFY GOVERNOR LEGISLATURE IS IN SESSION

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That a committee of six, consisting of three members of the Senate to be appointed by the presiding officer of the Senate, and three members on the part of the House to be appointed by the Speaker, be appointed to notify the Governor of Alabama that the Legislature is now in session and is ready for the transaction of business.

On motion of Representative Campbell, the rules were suspended and the resolution, H.J.R. 2, was adopted.

COMMITTEE APPOINTED

The Speaker appointed as a committee on the part of the House, Representatives Sanderford, Knight and McKee.

Also:

By Representative Campbell:

H.J.R. 3. INVITATION FOR JOINT ADDRESS

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That a joint session of the House and Senate be held at 6:30 P.M. on April 16, 1991, for the purpose of hearing the message of the Honorable Guy Hunt, Governor of Alabama.

BE IT FURTHER RESOLVED, That a committee of three from the House to be named by the Speaker of the House, and a committee of three from the Senate to be named by the Presiding Officer of the Senate, be appointed to wait upon the Governor and advise him that the two Houses will meet in joint session at the hour named above, for the purpose of receiving his message, and that said Committee also serve as a Committee to escort the Governor to the House for the joint session.

On motion of Representative Campbell, the rules were suspended and the resolution, H.J.R. 3, was adopted.

COMMITTEE APPOINTED

The Speaker appointed as a committee on the part of the House, Representatives Sanderford, Knight and McKee.

Also:

By Representative Campbell:

H.R. 4. RELATIVE TO MEETING DAYS

BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES, That when we adjourn today, Tuesday, April 16, 1991, we adjourn to meet again on Thursday, April 18, 1991, at 10:00 a.m.

On motion of Representative Campbell, the rules were suspended and the resolution, H.R. 4, was adopted.

Also:

The following resolution was introduced and distributed according to Joint Rule 11:

By Representatives Clark (J), Anderson, Barnes, Beasley, Biddle, Black (L), Black (M), Blakeney, Bowling, Box, Bryant, Bugg, Burke, Buskey (JE), Buskey (JL), Butler, Cagle, Campbell, Carns, Carothers, Carter, Clark (W), Clay, Cosby, Crow, Cullins, Curry, Dolbare, Drake, Escott-Russell, Flowers, Ford, Freeman, Fuller, Gaines, Gaston, Goodwin, Grayson, Gullatt, Hall, Hamilton, Hammett, Harper, Harvey, Hawkins, Haynes, Higginbotham, Hill, Hogan, Holladay, Holley, Holmes, Hooper, Johnson, Kennedy, Knight, Kvalheim, Laird, Layson, Letson, Lindsey, Mathis, McClain, McDaniel, McDowell, McKee, McMillan, Melton, Mikell, Millican, Morrow, Morton, Newman, Newton (C), Newton (D), Parker (P), Parker (T), Payne, Penry, Perdue, Petelos, Poole, Powell, Rich, Richardson, Rockhold, Rogers (F), Rogers (J), Sanderford, Sanderson, Smith (C), Smith (R), Spratt, Starkey, Thomas, Turner, Turnham, Venable, Walker, Warren, White, Williams, Willis and Zoghby:

H.R. 5. HONORING HARRY B. BROCK, JR., OF BIRMINGHAM, ALABAMA.

Also:

The following resolutions were introduced:

By Representatives Clark (J), Anderson, Barnes, Beasley, Biddle, Black (L), Black (M), Blakeney, Bowling, Box, Bryant, Bugg, Burke, Buskey (JE), Buskey (JL), Butler, Cagle, Campbell, Carns, Carothers, Carter, Clark (W), Clay, Cosby, Crow, Cullins, Curry, Dolbare, Drake, Escott-Russell, Flowers, Ford, Freeman, Fuller, Gaines, Gaston, Goodwin, Grayson, Gullatt, Hall, Hamilton, Hammett, Harper, Harvey, Hawkins, Haynes, Higginbotham, Hill, Hogan, Holladay, Holley, Holmes, Hooper, Johnson, Kennedy, Knight, Kvalheim, Laird, Layson, Letson, Lindsey, Mathis, McClain, McDaniel, McDowell, McKee, McMillan, Melton, Mikell, Millican, Morrow, Morton, Newman, Newton (C), Newton (D), Parker (P), Parker (T), Payne, Penry, Perdue, Petelos, Poole, Powell, Rich, Richardson, Rockhold, Rogers (F), Rogers (J), Sanderford, Sanderson, Smith (C), Smith (R), Spratt, Starkey, Thomas, Turner, Turnham, Venable, Walker, Warren, White, Williams, Willis and Zoghby:

H.J.R. 6. HONORING HARRY B. BROCK, JR., OF BIRMINGHAM, ALABAMA.

WHEREAS, Harry B. Brock, Jr., of Birmingham retired recently as president and chief executive officer of Central Bancshares of the South, Inc., having served as the original and only CEO of the company he founded in 1964; and

WHEREAS, a native of Fort Payne, Alabama, and a United States Navy veteran, Mr. Brock was reared in Gadsden and graduated from the University of Alabama with a B.S. degree; he also completed extended courses on the post-graduate level including those of the American Institute of Banking and Northwestern University's Bank Marketing School; and

WHEREAS, Mr. Brock, following employment with the family business in Gadsden and as an oil products salesman in Rochester, New York, returned to Alabama in 1955, entering the banking field with Exchange Security Bank, now First Alabama; and

WHEREAS, Harry Brock, whose impact upon Alabama's banking industry has been phenomenal, founded Central Bank 27 years ago and, from a single location in downtown Birmingham, built a \$5.1 billion multi-state holding company, while along the way becoming solely responsible for a complete change in Alabama's banking structure; and

WHEREAS, the change, occurring in 1971 with the formation of Central Bancshares of the South, began in 1968 with the initiation of a cross county takeover by Central of Decatur's State National Bank, prompting numerous lawsuits by other state banks and an attempt through legislation to prevent the merger; and

WHEREAS, Mr. Brock, however, in persistence and not to be denied, undertook an aggressive campaign of lobbying the legislature and, with the bill's failure to pass, cross county mergers and multi-state holding companies became the foundation of banking in Alabama as it is today; and

WHEREAS, Harry B. Brock, Jr., also the founder of Compass Bancshares of Texas, has indeed placed his imprint upon the business community, and has further long and well served the banking industry through activities and leadership at both the state and national levels, as well as internationally through the organization of banking seminars throughout Europe; and

WHEREAS, he has further extended his exceptional talent and ability to include support of numerous civic, community and charitable concerns, and has been recognized on countless occasions for achievement and service, including induction into the Alabama Academy of Honor; and

WHEREAS, Harry Brock has always served and continues to serve in the best interests of his state and nation; he is a man of exceptional character with a strong faith in God, a man of great concern for the well-being of others, and is a man who has met life with enthusiasm and has exceeded all measure of success; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That in recognition of outstanding achievement and service, we hereby commend Harry B. Brock, Jr., whom we hold in highest personal regard and for whom a copy of this resolution shall be provided.

On motion of Representative Clark (J), the rules were suspended and the resolution, H.J.R. 6, was adopted.

Also:

By Representative Rogers (J):

H.J.R. 7. PROVIDING FURTHER FOR EXPENSE ALLOWANCES AND PER DIEM.

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That each member of the Legislature shall be entitled to and shall be paid fifty dollars (\$50) per diem for five days during each week that the Legislature actually meets during any regular session, special session or organizational session. Each member of the Legislature shall be entitled to and shall be paid fifty dollars (\$50) per diem for the performance of his or her duties as a member of any duly authorized interim legislative committee or subcommittee thereof. Such payment is conditioned upon actual attendance at scheduled interim committee meetings or authorized scheduled subcommittees thereof and approved by the chairman as provided by law.

BE IT FURTHER RESOLVED, That each member of the Legislature shall continue to receive the monthly expense allowance established by Act No. 87-209, H.J.R. 287 of the 1987 Regular Session (Acts of 1987, p. 298), provided, however, that such monthly allowance shall be increased at the same percentage rate of 20%.

RESOLVED FURTHER, That each member of the Legislature shall be entitled to and shall be reimbursed for actual expenses incurred in the performance of his or her duties outside the State of Alabama. Such reimbursement shall be in addition to the per diem expense allowance of fifty dollars (\$50) per diem provided in this act. In addition to the expense allowances, the presiding officers shall be entitled to the reasonable expense allowance provided by Act No. 1196 of the 1971 Regular Session of the Legislature.

RESOLVED FURTHER, That the provisions of Act No. 87-209, H.J.R. 287 of the 1987 Regular Session (Acts of 1987, p. 298) are repealed only to the extent there is a conflict herewith.

MOTION TO SUSPEND RULES LOST

The motion offered by Representative Rogers (J) to suspend the rules and adopt the resolution, H.J.R. 7, was lost.

Yeas 40; Nays 51.

Yea:

Mr. Speaker, Anderson, Barnes, Beasley, Biddle, Black (L), Blakeney, Bowling, Box, Buskey (JE), Buskey (JL), Butler, Campbell, Carothers, Carter, Clark (W), Dolbare, Drake, Fuller, Grayson, Hall, Harper, Holmes, Kennedy, Letson, Mathis, McClain, McDowell, Newman, Newton (D), Penry, Perdue, Rogers (J), Spratt, Starkey, Thomas, Turner, White, Williams and Zoghby.

Nay:

Representatives Black (M), Bugg, Cagle, Carns, Clay, Cosby, Crow, Cullins, Curry, Ford, Gaines, Gaston, Goodwin, Gullatt, Hamilton, Hammett, Harvey, Hawkins, Higginbotham, Hill, Hogan, Holladay, Holley, Johnson, Kvalheim, Layson, Lindsey, McDaniel, McKee, McMillan, Mikell, Millican, Morrow, Morton, Newton (C), Parker (P), Parker (T), Payne, Petelos, Poole, Powell, Rich, Richardson, Rogers (F), Sanderson, Smith (C), Smith (R), Turnham, Venable, Warren and Willis.

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The resolution, H.J.R. 7, was read and referred to the Standing Committee on Rules.

MESSAGE FROM THE SENATE

Mr. Speaker:

I have been directed by the Senate to advise the House that the Senate is now in session and is ready for the transaction of public business.

MCDOWELL LEE
Secretary

RESOLUTIONS

The following resolutions were introduced:

By Representative Turner:

H.J.R. 8. COMMENDING JAMES W. HORTON, JR., OF WILMER, ALABAMA, FOR OUTSTANDING ACHIEVEMENT AND SERVICE.

WHEREAS, James W. Horton, Jr., born November 5, 1951, and reared in Semmes, Alabama, has resided since the age of 16 in Wilmer where he currently serves in mayoral capacity; and

WHEREAS, educated in the public schools and a graduate of Montgomery High School, Mayor Horton was working as a heavy equipment operator and was a member of Local 653 when he was injured in a tragic swimming accident resulting in quadriplegia; and

WHEREAS, Jimmy Horton, following extensive rehabilitation therapy, developed an interest in C. B. radios and undertook a home-study course in electronics; in 1978, he was employed as a computer operator in the security department of Mobile Infirmary Medical Center, was later promoted to a supervisory position and, since January 1990, has served as assistant director of Protective Services with the center's Safety Management Division; and

WHEREAS, he also is a licensed Assembly of God minister; a member of the Mobile Area Wheelchair Club; president of the Wilmer Disabilities Foundation; and is the recipient of the 1990 Woodmen of the World Citizen of the Year award; and

WHEREAS, Mayor Horton, prior to his 1988 election to said office, served on the Wilmer Town Council and as a member of the Water Board; additional responsible positions have included membership on the Wilmer Utility Board, Mobile County Municipal Association, Mobile County Emergency Management Agency Board, the South Alabama Regional and the Alabama Planning Commissions, Mobile Greyhound Park, Alabama League of Municipalities and as Wilmer's representative on the Mobile County Personnel Board, among others; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That in recognition of outstanding achievement, service and leadership, we hereby most highly commend Mayor James W. Horton of Wilmer, Alabama, and do further direct that he receive a copy of this resolution of high honor and esteem.

On motion of Representative Turner, the rules were suspended and the resolution, H.J.R. 8, was adopted.

Also:

By Representative Turner:

H.J.R. 9. NAMING THE "HOSEA O. WEAVER BRIDGE" IN SEMMES, ALABAMA.

WHEREAS, a prominent Mobile County contractor, Hosea O. Weaver of Semmes, Alabama, contracted to erect the railroad overpass on Highway 98 in Semmes, with construction beginning in 1952; and

WHEREAS, since that time, Mr. Weaver's company, now Hosea O. Weaver and Sons, has completed construction of the overpass which, through the years, provided employment for hundreds of area workers; and

WHEREAS, Mr. Weaver has further provided assistance to numerous others in need, giving generously of his personal funds both to individuals and to many civic organizations seeking financial contributions for service projects and other worthy endeavors; and

WHEREAS, in gratitude to Hosea O. Weaver for his longtime community support, it is both fitting and desirable that he be publicly honored, and that such tribute be made in an appropriate and lasting manner; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That the overpass bridge of the ICG Railroad on U. S. Highway 98 in Semmes, Alabama, is hereby named and designated as the "Hosea O. Weaver Bridge."

BE IT FURTHER RESOLVED, That the proper officials are herein authorized to erect and maintain appropriate signs and markers designating said "Hosea O. Weaver Bridge," and it is also herein provided that a copy of this honorary designation of the Alabama Legislature shall be provided for Mr. Weaver.

On motion of Representative Turner, the rules were suspended and the resolution, H.J.R. 9, was adopted.

PERMISSION GRANTED

Permission was granted for the Journal to reflect that Representative Biddle intended to vote "Nay" on adoption of the resolution, H.J.R. 7.

RESOLUTIONS

The following resolutions were introduced and distributed according to Joint Rule 11:

By Representative Newman:

H.R. 10. MOURNING THE DEATH OF DOYLE EARNEST OF GUIN, ALABAMA.

Also:

By Representative Newman:

H.R. 11. MOURNING THE DEATH OF GEORGE GARLAND BARNES OF BERRY, ALABAMA.

Also:

The following resolution was introduced:

By Representative Laird:

H.J.R. 12. COMMENDING BILLY FRED LIPHAM OF NEWELL, ALABAMA, FOR OUTSTANDING HEROISM.

WHEREAS, the Legislature of Alabama, in highest commendation and esteem, notes the heroic actions of Billy Fred Lipham of Newell, Alabama, in his successful rescue of a victim trapped in a blazing mobile home; and

WHEREAS, Fred Lipham, chief of the Newell Volunteer Fire Department, happened upon the scene of the fire on October 6, 1990, and called immediately for assistance from three volunteer fire departments which arrived within minutes of Chief Lipham's calls; and

WHEREAS, Mrs. Ida Andrews, however, was trapped inside the trailer from which deadly smoke billowed on both sides while flames scorched both the back and middle areas; and

WHEREAS, Chief Lipham, who caught a glimpse of the victim as she fled down the smoke filled hallway, unhesitatingly entered the burning home and pulled Mrs. Andrews to safety; and

WHEREAS, Billy Fred Lipham is indeed deserving of highest praise for this courageous deed, and to be commended for his fearless response to imminent danger at the risk of his own life; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That in recognition of outstanding courage and heroism, we hereby most highly commend Billy Fred Lipham of Newell, Alabama, and do further direct that he receive a copy of this resolution of sincere admiration and warmest personal regard.

On motion of Representative Laird, the rules were suspended and the resolution, H.J.R. 12, was adopted.

Also:

The following resolution was introduced and distributed according to Joint Rule 11:

By Representatives Ford, Anderson, Barnes, Beasley, Biddle, Black (L), Black (M), Blakeney, Bowling, Box, Bryant, Bugg, Burke, Buskey (JE), Buskey (JL), Butler, Cagle, Campbell, Carns, Carothers, Carter, Clark (J), Clark (W), Clay, Cosby, Crow, Cullins, Curry, Dolbare, Drake, Escott-Russell, Flowers, Freeman, Fuller, Gaines, Gaston, Goodwin, Grayson, Gullatt, Hall, Hamilton, Hammett, Harper, Harvey, Hawkins, Haynes, Higginbotham, Hill, Hogan, Holladay, Holley, Holmes, Hooper, Johnson, Kennedy, Knight, Kvalheim, Laird, Layson, Letson, Lindsey, Mathis, McClain, McDaniel, McDowell, McKee, McMillan, Melton, Mikell, Millican, Morrow, Morton, Newman, Newton (C), Newton (D), Parker (P), Parker (T), Payne, Penry, Perdue, Petelos, Poole, Powell, Rich, Richardson, Rockhold, Rogers (F), Rogers (J), Sanderford, Sanderson, Smith (C), Smith (R), Spratt, Starkey, Thomas, Turner, Turnham, Venable, Walker, Warren, White, Williams, Willis and Zoghby:

H.R. 13. COMMENDING DELL McRAE OF MONTGOMERY, ALABAMA, FOR OUTSTANDING SERVICE TO THE ALABAMA HOUSE OF REPRESENTATIVES AND THE STATE OF ALABAMA.

Also:

The following resolution was introduced:

By Representatives Ford, Anderson, Barnes, Beasley, Biddle, Black (L.), Black (M), Blakeney, Bowling, Box, Bryant, Bugg, Burke, Buskey (JE), Buskey (JL), Butler, Cagle, Campbell, Carns, Carothers, Carter, Clark (J), Clark (W), Clay, Cosby, Crow, Cullins, Curry, Dolbare, Drake, Escott-Russell, Flowers, Freeman, Fuller, Gaines, Gaston, Goodwin, Grayson, Gullatt, Hall, Hamilton, Hammett, Harper, Harvey, Hawkins, Haynes, Higginbotham, Hill, Hogan, Holladay, Holley, Holmes, Hooper, Johnson, Kennedy, Knight, Kvalheim, Laird, Layson, Letson, Lindsey, Mathis, McClain, McDaniel, McDowell, McKee, McMillan, Melton, Mikell, Millican, Morrow, Morton, Newman, Newton (C), Newton (D), Parker (P), Parker (T), Payne, Penry, Perdue, Petelos, Poole, Powell, Rich, Richardson, Rockhold, Rogers (F), Rogers (J), Sanderford, Sanderson, Smith (C), Smith (R), Spratt, Starkey, Thomas, Turner, Turnham, Venable, Walker, Warren, White, Williams, Willis and Zoghby:

H.J.R. 14. COMMENDING DELL McRAE OF MONTGOMERY, ALABAMA, FOR OUTSTANDING SERVICE TO THE ALABAMA LEGISLATURE AND THE STATE OF ALABAMA.

WHEREAS, Dell McRae of Montgomery rendered invaluable service to the Alabama Legislature and the State of Alabama from January 9, 1979, until retirement on January 25, 1991; and

WHEREAS, as a committee clerk for the House of Representatives, Dell McRae gained the respect and gratitude of the many members of the Legislature who, over the years, sought her assistance and came to rely heavily upon her proficiency, expertise and technical knowledge of legislative affairs; and

WHEREAS, Dell McRae, throughout her tenure, was greatly admired as a loyal and dependable employee, and was most highly regarded for the responsible manner in which she undertook her many duties as a committee clerk and related assignments; and

WHEREAS, in addition to her career responsibilities, however, Dell McRae was equally as dedicated in service to the community, including participation in the many activities of Frazer Memorial United Methodist Church and volunteerism with the Pink Ladies organization at Baptist Medical Center in Montgomery; these activities, as well as other community endeavors, she has continued in retirement; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That in deep and sincere gratitude for outstanding service to the Alabama Legislature and the State of Alabama, we hereby most highly commend Dell McRae of Montgomery, Alabama, whom we hold in warmest personal regard and for whom a copy of this resolution shall be provided.

On motion of Representative Ford, the rules were suspended and the resolution, H.J.R. 14, was adopted.

Also:

The following resolution was introduced and distributed according to Joint Rule 11:

By Representative Higginbotham:

H.R. 15. COMMENDING THE SERVICE AND ACCOMPLISHMENTS OF THE CRISIS CENTER OF EAST ALABAMA AND PROVIDING THAT APRIL 23, 1991, BE OBSERVED AS HONORING SAME.

Also:

The following resolutions were introduced:

By Representatives Hooper, Clark (J), Hawkins, White, Petelos, Butler, Gaines, Hill, Sanderson, Carns, Kvalheim, Curry, Thomas, Fuller, Ford, Burke, Powell, Rogers (J), Flowers, Bowling, McDaniel, Beasley, Gullatt, Gaston, Starkey and Morrow:

H.J.R. 16. REQUESTING GENERAL COLIN L. POWELL AND GENERAL H. NORMAN SCHWARZKOPF TO ADDRESS A JOINT SESSION OF THE ALABAMA LEGISLATURE.

WHEREAS, in the aftermath of the war in the Middle East, the citizens of the State of Alabama are grateful, as are all Americans, for the quick and decisive allied victory in the Persian Gulf and for the admirable leadership of President Bush and his administration; and

WHEREAS, among key factors in this spectacular victory were the brilliant strategy and deceptive tactics of the allies, led by General Colin L. Powell, Chairman of the U. S. Joint Chiefs of Staff, and General H. Norman Schwarzkopf, Commander of U. S. Forces in the Gulf; and

WHEREAS, in addition, however, to securing unconditional surrender by Iraq, the result of the Persian Gulf War served also to prove the superiority of American military equipment and strategy, and to verify the incomparability of performance by our well-trained troops on the battlefield, as well as the unbelievable might of American firepower; and

WHEREAS, this body, in utmost admiration of the military dominancy displayed by Generals Powell and Schwarzkopf, would consider it an honor and privilege for these two outstanding Americans to accept an invitation to address a joint session of the Alabama Legislature; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we hereby most respectfully request General Colin L. Powell, Chairman of the U. S. Joint Chiefs of Staff, and General H. Norman Schwarzkopf, Commander of U. S. Forces in the Persian Gulf, to address the Alabama Legislature at a time and date to be set at their convenience, whereupon the Alabama House of Representatives and the Alabama Senate will assemble in joint session to hear their remarks.

BE IT FURTHER RESOLVED, That General Powell and General Schwarzkopf be advised, by copy of this resolution, of our invitation to address the Legislature and of our hopeful anticipation of their acceptance, and that a copy also be forwarded to President Bush whose perception of the situation in the Gulf and his decision to withstand political pressure to extend the deadline for Iraq's withdrawal from Kuwait were vital to the allied victory and a swift end to the hostilities.

On motion of Representative Hooper, the rules were suspended and the resolution, H.J.R. 16, was adopted.

Also:

By Representative Rogers (F):

H.J.R. 17. COMMENDING CAROLYN G. WRIGHT OF EMPIRE, ALABAMA, FOR OUTSTANDING PROFESSIONAL ACHIEVEMENT.

WHEREAS, in highest commendation, the Legislature of Alabama congratulates Carolyn G. Wright of Empire, Alabama, as the recipient of a United States Department of Education Christa McAuliffe Fellowship; and

WHEREAS, Mrs. Wright, a sixth-grade teacher at Jefferson County's Gardendale Elementary School who was nominated by a state-appointed selection committee, received a \$33,000 federal grant to implement her educational project called, "Thrills! Chills! Spills of Space"; and

WHEREAS, designed to stimulate interest in aviation and space exploration, Mrs. Wright's proposal involves a series of activities, including experiments, lectures and field trips, to motivate and evoke enthusiasm in her students' pursuit of knowledge in the areas of aviation and space exploration; and

WHEREAS, Mrs. Wright is indeed to be most highly praised for her dedication to the teaching profession and the furtherance of educational excellence in our schools; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That in recognition of distinguished professional accomplishments and as an exemplary teacher firmly committed to student achievement, we hereby commend Carolyn G. Wright of Empire, Alabama, to whom a copy of this resolution of highest esteem shall be presented.

On motion of Representative Rogers (F), the rules were suspended and the resolution, H.J.R. 17, was adopted.

Also:

By Representative Grayson:

H.J.R. 18. COMMENDING EARLIE RICH ON THE OCCASION OF HIS RECOGNITION BY FELLOWSHIP PRESBYTERIAN CHURCH OF HUNTSVILLE, ALABAMA.

WHEREAS, the first annual Retiree Observance was held December 2, 1990, at Fellowship Presbyterian Church in Huntsville, Alabama, with the theme: "Retiring Professionally: Dedication Service to God, Family and the Community"; and

WHEREAS, among the membership of Fellowship Presbyterian Church and those retirees receiving recognition and rededicating their lives to service, was Earlie Rich; and

WHEREAS, a native of Tuscaloosa, Alabama, Dr. Rich received his early academic training in the public schools of Tuscaloosa County and in 1955, earned the B.S. degree from Alabama A&M University; in his continued pursuit of academic excellence, he also earned both the M.S. degree in Counseling and Guidance and Ed.S. degree in Educational Administration at the University of Alabama; and

WHEREAS, his professional experiences began with those of Teacher, Coach, Principal, Director and Associate Professor to his position as Assistant Vice President for Student Affairs at Alabama A&M University, from which he retired on September 1, 1990; and

WHEREAS, Dr. Rich has written and presented papers, publications, proposals, (funded) and grants, and holds membership in numerous professional organizations such as the Phi Delta Kappa Honorary Professional Fraternity and the National Alliance of Business; and

WHEREAS, as an active member of Fellowship Presbyterian Church, he is an ordained elder, has served as a member of the Session and has chaired the Worship and Service Committee as well as the church Undershepherd Program; and

WHEREAS, Dr. Rich, in civic responsibility, is affiliated with such organizations as the IBPOE Order of Elks, Prince Hall Master Masons, Kappa Alpha Psi Fraternity, the Huntsville-Madison County United Way Campaign, and the Veterans of Foreign Wars; and

WHEREAS, Dr. Rich served in the United States Navy and was honorably discharged in August, 1958, as a Petty Officer 3rd Class; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we hereby most highly commend Earlie Rich on the numerous accomplishments of his professional career and on distinctions bestowed during the first annual Retiree Observance at Fellowship Presbyterian Church in Huntsville.

BE IT FURTHER RESOLVED, That a copy of this resolution be forwarded to Dr. Rich that he may know of the Legislature's regard for his achievement.

On motion of Representative Grayson, the rules were suspended and the resolution, H.J.R. 18, was adopted.

Also:

By Representative Grayson:

H.J.R. 19. COMMENDING REAVER BROWN ON THE OCCASION OF HIS RECOGNITION BY FELLOWSHIP PRESBYTERIAN CHURCH OF HUNTSVILLE, ALABAMA.

WHEREAS, the first annual Retiree Observance was held December 2, 1990, at Fellowship Presbyterian Church in Huntsville, Alabama, with the theme: "Retiring Professionally: Dedication Service to God, Family and the Community"; and

WHEREAS, among the membership of Fellowship Presbyterian Church and those retirees receiving recognition and rededicating their lives to service, was Reaver Brown; and

WHEREAS, a native of Yazoo City, Mississippi, Mr. Brown attended Humphrey County Training School in Mississippi; he then matriculated at Tennessee State University where he earned the B.S. degree in Business Administration, and later was awarded an assistantship at Long Island University, Brooklyn, New York, where he received the Master of Science degree; and

WHEREAS, Mr. Brown's professional experiences began at Toogaloo College as Assistant Business Manager for four years and, several years later, he began a career with the government in which he worked in various positions at Redstone Arsenal, retiring October 31, 1990, as a Contract Specialist with U.S. Army Missile Command at Redstone Arsenal, Alabama; and

WHEREAS, an active member of Fellowship Presbyterian Church, he has served as elder, Superintendent of Sunday School, sings with the Chancel Choir and is very active in the Men of the Church activities; and

WHEREAS, Mr. Brown, further, has participated in several religious, civic and humanitarian activities; also is a member and past president of the North Huntsville Kiwanis Club and a United States Army veteran who was honorably discharged in November 1952 as a Corporal; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we hereby most highly commend Reaver Brown on the numerous accomplishments of his professional career and on distinctions bestowed during the first annual Retiree Observance at Fellowship Presbyterian Church in Huntsville.

BE IT FURTHER RESOLVED, That a copy of this resolution be forwarded to Mr. Brown that he may know of the Legislature's regard for his achievement.

On motion of Representative Grayson, the rules were suspended and the resolution, H.J.R. 19, was adopted.

Also:

By Representative Grayson:

H.J.R. 20. COMMENDING EVELYN RICH ON THE OCCASION OF HER RECOGNITION BY FELLOWSHIP PRESBYTERIAN CHURCH OF HUNTSVILLE, ALABAMA.

WHEREAS, the first annual Retiree Observance was held December 2, 1990, at Fellowship Presbyterian Church in Huntsville, Alabama, with the theme: "Retiring Professionally: Dedication Service to God, Family and the Community"; and

WHEREAS, among the membership of Fellowship Presbyterian Church and those retirees receiving recognition and rededicating their lives to service, was Evelyn Rich; and

WHEREAS, Mrs. Rich, a native of Thomasville, Alabama, attended school in the Clark County Public School System, and other of her educational achievements include a B.S. degree from Alabama A&M University where she graduated cum laude with a major in elementary education, the M.S. degree from the University of Alabama, and further study at Alabama A&M University; and

WHEREAS, as a career woman, her professional experiences involve those of teacher in the Thomasville, Tuscaloosa City and Madison County School Systems, and service as a demonstration teacher for Alabama A&M University and the University of Alabama; and

WHEREAS, Mrs. Rich, as a former member of the Brown Memorial Presbyterian Church in Tuscaloosa and current member of the Fellowship Presbyterian Church, has been active in many Presbyterian Women Activities, sings with the Chancel Choir, and has served as Circle Chairperson; and

WHEREAS, she also has been involved in many humanitarian, civic, and community related activities, and her organizational and professional affiliations include membership in Delta Kappa Gamma Teacher's Honorary Society; Epsilon Gamma Omega Chapter of Alpha Kappa Alpha Sorority, Inc., NAACP, LAMRON Club, NEA, MCEA and the National Council of Negro Women; and

WHEREAS, on November 1, 1990, Mrs. Rich retired from the Madison County System as a fourth grade teacher at Hazel Green School; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we hereby most highly commend Evelyn Rich on the numerous accomplishments of her professional career and on distinctions bestowed during the first annual Retiree Observance at Fellowship Presbyterian Church in Huntsville.

BE IT FURTHER RESOLVED, That a copy of this resolution be forwarded to Mrs. Rich that she may know of the Legislature's regard for her achievement.

On motion of Representative Grayson, the rules were suspended and the resolution, H.J.R. 20, was adopted.

Also:

The following resolution was introduced and distributed according to Joint Rule 11:

By Representative Butler:

H.R. 21. MOURNING THE DEATH OF JUDY V. STRONG OF MONROVIA, ALABAMA.

Also:

The following resolutions were introduced:

By Representative Carter:

H.J.R. 22. COMMENDING HEAD COACH HAROLD MURRELL OF ATHENS STATE COLLEGE FOR OUTSTANDING ACHIEVEMENT.

WHEREAS, noted with highest commendation is the outstanding career of Head Coach Harold Murrell of Athens State College who, for the second time, has been named NAIA District 27 Basketball Coach of the Year; and

WHEREAS, Coach Murrell, who held coaching positions at Ardmore High School and Northwest Junior College before coming to Athens State, has an outstanding 321-190 overall career record, and has posted to date a 219-130 record during his 12 years at Athens State; and

WHEREAS, during his distinguished tenure at ASC, Coach Murrell's teams have produced one All-American and numerous All-Conference players; this year, he led the Athens State Bears to the NAIA District 27 Championship and, in turn, his team gave him his 300th career victory with a resounding 84-69 win over North Georgia in the opening game of the 1990-91 season; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That in recognition of outstanding achievement, we hereby most highly commend and congratulate Harold Murrell of Athens, Alabama, on his spectacular coaching career and for his admirable contributions to the athletic program at Athens State College.

BE IT FURTHER RESOLVED, That in token of our sincere praise and regard, a copy of this resolution shall be provided for presentation to Coach Murrell.

On motion of Representative Carter, the rules were suspended and the resolution, H.J.R. 22, was adopted.

Also:

By Representative Carter:

H.J.R. 23. CONGRATULATING THE ATHENS STATE COLLEGE BEARS ON THE NAIA DISTRICT 27 CHAMPIONSHIP.

WHEREAS, it is with great pride and pleasure that the Legislature of Alabama congratulates the Athens State College Basketball Team on their sensational 1990-91 season and the NAIA District 27 Championship; and

WHEREAS, from the season opener, an 84-69 win over North Georgia and the 300th career victory for Head Coach Harold Murrell, to the District 27 finals and a 99-92 edge over Faulkner University for the Championship, the ASC Bears enjoyed a record-breaking season and carried a 22-9 record to the NAIA National Tournament in Kansas City, Missouri, where they reached the quarterfinals; and

WHEREAS, the ASC cagers, only eight at the start of the season, overcame their lack of depth to break or tie five school records (Two-Year Upper Division Institute) in 1990-91 including most points scored in a season (2,622), most points scored in a game (122 against Selma University), highest free throw percentage in a season (.775), and most rebounds in a season (1,142); and

WHEREAS, under the talented direction of Head Coach Harold Murrell, the Champion Bears are seniors Ben Wiley (All-District), Edward Daniel (All-District and two-time Southern States Conference Player of the Week); junior Rodney Hutchinson (All-District and SSC Player of the Week); along with their talented teammates, seniors Joe Moffett and Daryl Wilson, and juniors David Benning, Terrance Weaver, Matt Hubbard and Dedric Bradley; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That in recognition of outstanding achievement, we hereby most highly commend Coach Harold Murrell and the Athens State NAIA District 27 champions, and do further direct that copies of this resolution be provided for appropriate presentation and display.

On motion of Representative Carter, the rules were suspended and the resolution, H.J.R. 23, was adopted.

LEAVES OF ABSENCE

At the request of Representative Buskey (JL), leave of absence was granted for Representative Bryant.

Also:

At the request of Representative Bowling, leave of absence was granted for Representative Drake.

RESOLUTIONS

The following resolutions were introduced:

By Representatives Rockhold, Zoghby, Gaston, Harper, Kennedy, Kvalheim, Clark (W), Box and Buskey (JE):

H.J.R. 24. COMMENDING MARIE ANDREWS MCCONNELL, MOBILE'S FIRST LADY FOR 1990.

WHEREAS, the Legislature of Alabama, in highest commendation, notes the selection of Marie Andrews McConnell as Mobile, Alabama's First Lady for 1990, an honor bestowed annually by Beta Sigma Phi Sorority in recognition of outstanding achievement and service; and

WHEREAS, Mrs. McConnell, a native Mobilian, is a former secretary for U. S. Representative Jack Edwards and a past executive secretary and campaign coordinator for the Republican Executive Committee; also previously employed as a real estate agent and real estate management consultant, she now operates her own highly successful business, Marie McConnell Realty, established in 1981, and permanently housed in an office building built in 1986 and owned by Mrs. McConnell; and

WHEREAS, reflecting her success in the business world are a number of outstanding honors and recognitions on local, state and national levels including Mobile's Small Business of the Year; Outstanding Achievement for Small Business; Realtor of the Year; national recognition, for six consecutive years, for placing in the top ten percent of real estate firms, based on customer service and professionalism; certified real estate broker, a designation earned by fewer than three percent of brokers nationwide; Alabama Sales Person of the Year; and the American Real Estate Institute's Broker of the Year, among others; and

WHEREAS, Marie McConnell, although professionally involved through service and leadership in a number of real estate and related organizations, has extended her considerable talent and ability to encompass service and support of such worthy community activities and organizations as United Way, Penelope Home Advisory Board, Women's Advisory Board of Springhill Memorial Hospital, Mobile College Scholarship Committee, the Adopt-A-Family program, sponsorship and support of many school and youth activities, and current service on the Mobile Area Chamber of Commerce Board as the first woman ever elected to the Chamber's executive committee; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That in highest recognition for outstanding professional achievement and service to community, we hereby commend Mobile's First Lady for 1990, Marie Andrews McConnell, whom we hold in warmest personal regard and for whom a copy of this resolution shall be provided.

On motion of Representative Rockhold, the rules were suspended and the resolution, H.J.R. 24, was adopted.

Also:

By Representative Cosby:

H.J.R. 25. COMMENDING ERNEST CARTER FOR DISTINGUISHED SERVICE TO HIS FELLOWMAN.

WHEREAS, Ernest Carter received a "call" to enter the health care field some 17 years ago during the critical illness and long-term hospitalization of his young son; although serving in the military at the time, Ernest Carter resolved to spend his life caring for others and, upon discharge from the service, immediately applied for employment with the Good Samaritan Hospital; and

WHEREAS, in working with West Alabama Home Health Care for the past 12 years, Mr. Carter has been an exemplary employee, and one who goes above and beyond the call of duty in caring for homebound clients; and

WHEREAS, Mr. Carter, for example, often makes unscheduled visits to check on his clients, and such was the case on June 29, 1990, when he stopped by the house of a patient in the Collirene Community in Lowndes County; upon hearing screams and a call for help, he rushed into the home where he found the elderly stroke victim trapped in his burning bed; and

WHEREAS, Mr. Carter quickly extinguished the blaze and lifted the partially paralyzed patient to safety, away from the deadly smoke rising from the smoldering bedding; and

WHEREAS, Ernest Carter is indeed a compassionate and caring human being and, as a result of his personal interest in his patients and his quick response in this life threatening situation, a man's life was saved; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That in recognition of great courage and valor, and distinguished service to his fellowman, we hereby most highly commend Ernest Carter, and do further direct that he receive a copy of this resolution of sincere admiration and esteem.

On motion of Representative Cosby, the rules were suspended and the resolution, H.J.R. 25, was adopted.

Also:

By Representatives Cosby, Anderson, Barnes, Beasley, Biddle, Black (L), Black (M), Blakeney, Bowling, Box, Bryant, Bugg, Burke, Buskey (JE), Buskey (JL), Butler, Cagle, Campbell, Carns, Carothers, Carter, Clark (J), Clark (W), Clay, Crow, Cullins, Curry, Dolbare, Drake, Escott-Russell, Flowers, Ford, Freeman, Fuller, Gaines, Gaston, Goodwin, Grayson, Gullatt, Hall, Hamilton, Hammett, Harper, Harvey, Hawkins, Haynes, Higginbotham, Hill, Hogan, Holladay, Holmes, Hooper, Johnson, Kennedy, Knight, Kvalheim, Laird, Layson, Letson, Lindsey, Mathis, McClain, McDaniel, McDowell, McKee, McMillan, Melton, Mikell, Millican, Morrow, Morton, Newman, Newton (C), Newton (D), Parker (P), Parker (T), Payne, Penry,

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Perdue, Petelos, Poole, Powell, Rich, Richardson, Rockhold, Rogers (F), Rogers (J), Sanderford, Sanderson, Smith (C), Smith (R), Spratt, Starkey, Thomas, Turner, Turnham, Venable, Walker, Warren, White, Williams, Willis and Zoghby:

H.J.R. 26. COMMENDING THE ALABAMA DEPARTMENT OF HUMAN RESOURCES FOR HAVING THE NATION'S BEST CHILD SUPPORT PROGRAM.

WHEREAS, a study conducted by the Human Services Subcommittee of the United States House Ways and Means Committee determined that Alabama's Child Support Program is the best Child Support Program in the nation; and

WHEREAS, this achievement was the result of the skill and dedication of the employees of the Alabama Department of Human Resources as well as the invaluable efforts of Alabama's District Attorneys, Judges and Law Enforcement Officials; and

WHEREAS, this achievement has brought honor and recognition to the State of Alabama and reflects the state's concern for families and children; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we hereby most highly commend the employees of the Alabama Department of Human Resources and other dedicated citizens of the state involved in the operation and administration of the Child Support Program.

BE IT FURTHER RESOLVED, That the Alabama Legislature joins with the Department of Human Resources in its efforts to improve and strengthen its Child Support Program for the benefit of Alabama families.

RESOLVED FURTHER, That a copy of this resolution of honor be forwarded to the Alabama Department of Human Resources.

On motion of Representative Cosby, the rules were suspended and the resolution, H.J.R. 26, was adopted.

Also:

By Representative Cosby:

H.J.R. 27. DESIGNATING TOURISM WEEK 1991, IN THE STATE OF ALABAMA.

WHEREAS, the travel and tourism industry is vital to the State of Alabama, and the United States, contributing to our economic prosperity, employment, international trade, peace, understanding and goodwill; and

WHEREAS, travel and tourism ranks as one of Alabama's top industries in the amount of revenues generated; and

WHEREAS, tourism contributed an estimated total of \$3.081 billion to the economy in 1990 and, during that time, several millions of tourists visited the State of Alabama; and

WHEREAS, travel and tourism provided more than 73,000 jobs in 1990 in Alabama, accounting for a payroll of \$1.6 billion; and

WHEREAS, the tourism industry provides employment for more youth, women and minorities than any industry in Alabama; and

WHEREAS, travel and tourism enhance international peace, understanding and goodwill; and

WHEREAS, as people throughout the world become more aware of the outstanding cultural and recreational resources available in the United States, travel and tourism will become an increasingly important aspect in the lives of the people of the State of Alabama; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That the second week of May 1991, is hereby designated as "Tourism Week" in Alabama and Guy Hunt, Governor of the State of Alabama, is requested to issue a proclamation calling upon citizens throughout the state to observe this week with appropriate ceremonies and activities.

BE IT FURTHER RESOLVED, That copies of this resolution be forwarded to Governor Hunt and to the Alabama Bureau of Tourism and Travel.

On motion of Representative Cosby, the rules were suspended and the resolution, H.J.R. 27, was adopted.

Also:

By Representative Willis:

H.J.R. 28. COMMENDING JOHN R. WHALEY OF JACKSONVILLE HIGH SCHOOL UPON RECEIVING THE NATIONAL AGRICULTURE TEACHER ASSOCIATION'S YOUNG TEACHER AWARD.

WHEREAS, it is with great pride and pleasure the Alabama Legislature notes that John R. Whaley, who teaches seventh and eighth grade vocational education classes and is involved in leadership in the Future Farmers of America chapter at Jacksonville High School, was recently selected by John Deere and Company to receive the National Agriculture Teacher Association's Young Teacher Award; and

WHEREAS, today's agriculture has more than 200 rewarding and challenging careers in production agriculture and off farm occupations; and

WHEREAS, agriculture education is continually faced with maintaining qualified teachers, John Deere and Company and the National Agriculture Teacher Association recognize those who have taught six years or less and have

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assumed an active role in professional leadership, been active in community activities and have implemented program innovations to meet the needs of local agriculture students; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we do hereby congratulate John R. Whaley upon his being selected to receive the National Agriculture Teacher Association's Young Teacher Award.

BE IT FURTHER RESOLVED, That copies of this resolution be sent to John R. Whaley and to Jacksonville High School with our deepest appreciation for the outstanding contribution to the betterment of this state.

On motion of Representative Willis, the rules were suspended and the resolution, H.J.R. 28, was adopted.

Also:

By Representative Rogers (J):

H.J.R. 29. PROVIDING FURTHER FOR EXPENSE ALLOWANCES AND PER DIEM.

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That each member of the Legislature shall be entitled to and shall be paid fifty dollars (\$50) per diem for each legislative day that the Legislature actually meets during any regular session, special session or organizational session. Each member of the Legislature shall be entitled to and shall be paid fifty dollars (\$50) per diem for the performance of his or her duties as a member of any duly authorized interim legislative committee or subcommittee thereof. Such payment is conditioned upon actual attendance at scheduled interim committee meetings or authorized scheduled subcommittees thereof and approved by the chairman as provided by law.

BE IT FURTHER RESOLVED, That each member of the Legislature shall continue to receive the monthly expense allowance established by Act No. 87-209, H.J.R. 287 of the 1987 Regular Session (Acts of 1987, p. 298), provided, however, that such monthly allowance shall be increased at the same percentage rate as the governor and cabinet members are increased.

RESOLVED FURTHER, That each member of the Legislature shall be entitled to and shall be reimbursed for actual expenses incurred in the performance of his or her duties outside the State of Alabama. Such reimbursement shall be in addition to the per diem expense allowance of fifty dollars (\$50) per diem provided in this act. In addition to the expense allowances, the presiding officers shall be entitled to the reasonable expense allowance provided by Act No. 1196 of the 1971 Regular Session of the Legislature.

RESOLVED FURTHER, That the provisions of Act No. 87-209, H.J.R. 287 of the 1987 Regular Session (Acts of 1987, p. 298) are repealed only to the extent there is a conflict herewith.

MOTION TO SUSPEND RULES LOST

The motion offered by Representative Rogers (J) to suspend the rules and adopt the resolution, H.J.R. 29, was lost.

Yeas 41; Nays 49.

Yea:

Mr. Speaker, Anderson, Barnes, Beasley, Black (L), Blakeney, Bowling, Box, Burke, Buskey (JE), Buskey (JL), Campbell, Carothers, Carter, Clark (W), Clay, Dolbare, Drake, Freeman, Fuller, Hall, Harper, Holmes, Kennedy, Letson, Lindsey, Mathis, Melton, Newton (D), Parker (P), Penry, Perdue, Rockhold, Rogers (J), Spratt, Starkey, Thomas, Turner, White, Williams and Zoghby.

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Nay:

Representatives Biddle, Bugg, Cagle, Carns, Cosby, Crow, Cullins, Curry, Ford, Gaines, Gaston, Goodwin, Gullatt, Hamilton, Hammett, Harvey, Hawkins, Higginbotham, Hill, Hogan, Holladay, Holley, Hooper, Kvalheim, Layson, McDaniel, McKee, McMillan, Mikell, Millican, Morrow, Morton, Newman, Newton (C), Parker (T), Payne, Poole, Powell, Rich, Richardson, Rogers (F), Sanderford, Smith (C), Smith (R), Turnham, Venable, Walker, Warren and Willis.

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The resolution, H.J.R. 29, was read and referred to the Standing Committee on Rules.

Also:

By Representative Grayson:

H.J.R. 30. COMMENDING SAMUEL SANDERS ON THE OCCASION OF HIS RECOGNITION BY FELLOWSHIP PRESBYTERIAN CHURCH OF HUNTSVILLE, ALABAMA.

WHEREAS, the first annual Retiree Observance was held December 2, 1990, at Fellowship Presbyterian Church in Huntsville, Alabama, with the theme: "Retiring Professionally: Dedication Service to God, Family and the Community"; and

WHEREAS, among the membership of Fellowship Presbyterian Church and those retirees receiving recognition and rededicating their lives to service, was Samuel Sanders; and

WHEREAS, Samuel Sanders, a native of Montgomery, Alabama, attended school in the Montgomery Public School System, graduating from Carver High

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School in 1953; additionally, he has completed twenty-five technical and managerial programs totalling 4,416 classroom hours, and he has also attended J. F. Drake Technical School; and

WHEREAS, Mr. Sanders' professional experience included employment at the Gunter Air Force Base followed by a civil service appointment with the Department of Army at Redstone Arsenal; after holding various positions with the Army Missile Command, he retired November 30, 1990, as supervisory engineering technician; and

WHEREAS, as a member of the Holt Street Baptist Church in Montgomery, he served as a member of the church choir and, upon moving to Huntsville, continued his service by assisting in establishing the First Boy Scout troop at Fellowship Presbyterian Church, and served as Scoutmaster; and

WHEREAS, Mr. Sanders has participated in several civic and community related activities; holds membership in the Masons, IPBOE Order of Elks, and is a charter member of the North Alabama Golf Association which he has served as President; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we hereby most highly commend Samuel Sanders on the numerous accomplishments of his professional career and on distinctions bestowed during the first annual Retiree Observance at Fellowship Presbyterian Church in Huntsville.

BE IT FURTHER RESOLVED, That a copy of this resolution be forwarded to Mr. Sanders that he may know of the Legislature's regard for his achievement.

On motion of Representative Grayson, the rules were suspended and the resolution, H.J.R. 30, was adopted.

Also:

By Representative Grayson:

H.J.R. 31. COMMENDING ROBERT BURTON ON THE OCCASION OF HIS RECOGNITION BY FELLOWSHIP PRESBYTERIAN CHURCH OF HUNTSVILLE, ALABAMA.

WHEREAS, the first annual Retiree Observance was held December 2, 1990, at Fellowship Presbyterian Church in Huntsville, Alabama, with the theme: "Retiring Professionally: Dedication Service to God, Family and the Community"; and

WHEREAS, among the membership of Fellowship Presbyterian Church and those retirees receiving recognition and rededicating their lives to service, was Robert Burton; and

WHEREAS, Robert Burton, a native of Mobile County, attended Mobile County Training School where he received his diploma in 1952 and, in 1960, he was awarded the B.S. degree from Alabama A&M University; and

WHEREAS, Mr. Burton's professional experiences began in Bibb County where he taught for two years; he then joined the Extension Service in 1962 where he remained until retirement on November 30, 1990; and

WHEREAS, as an active member of Fellowship Presbyterian Church, he has served on the Stewardship Committee, the Church School Faculty and is involved also in the Men of the Church activities where he has served as President and in other capacities; and

WHEREAS, Robert Burton served with distinction in the United States military, from 1956 until honorably discharged in 1958; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we hereby most highly commend Robert Burton on the numerous accomplishments of his professional career and on distinctions bestowed during the first annual Retiree Observance at Fellowship Presbyterian Church in Huntsville.

BE IT FURTHER RESOLVED, That a copy of this resolution be forwarded to Mr. Burton that he may know of the Legislature's regard for his achievement.

On motion of Representative Grayson, the rules were suspended and the resolution, H.J.R. 31, was adopted.

Also:

By Representative Grayson:

H.J.R. 32. COMMENDING JOSEPH JOHNSON ON THE OCCASION OF HIS RECOGNITION BY FELLOWSHIP PRESBYTERIAN CHURCH OF HUNTSVILLE, ALABAMA.

WHEREAS, the first annual Retiree Observance was held December 2, 1990, at Fellowship Presbyterian Church in Huntsville, Alabama, with the theme: "Retiring Professionally: Dedication Service to God, Family and the Community"; and

WHEREAS, among the membership of Fellowship Presbyterian Church and those retirees receiving recognition and rededicating their lives to service, was Joseph Johnson; and

WHEREAS, a native of Cordele, Georgia, Mr. Johnson received his early education in the private church and public schools of Cordele, Georgia, earned his B.S. degree from Albany State College in Elementary Education, and the M.S. degree from Alabama A&M University in 1969; and

WHEREAS, his professional career began with a teaching position in Perry, Georgia, and extended to teaching assignments with the Huntsville City Schools, specifically at West End Elementary, Colonial Hills and Chapman Middle School before his retirement, September 1, 1990, from Chapman Middle School as a sixth grade teacher; and

WHEREAS, Mr. Johnson is an active member of Fellowship Presbyterian Church having served as deacon and treasurer, and has worked diligently in many Men of the Church activities; and

WHEREAS, he also has been involved in several civic and community related activities, and holds membership with such organizations as the IBPOE Order of the Elks, Phi Beta Sigma Fraternity, HTEA, AEA and NEA; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we hereby most highly commend Joseph Johnson on the numerous accomplishments of his professional career and on distinctions bestowed during the first annual Retiree Observance at Fellowship Presbyterian Church in Huntsville.

BE IT FURTHER RESOLVED, That a copy of this resolution be forwarded to Mr. Johnson that he may know of the Legislature's regard for his achievement.

On motion of Representative Grayson, the rules were suspended and the resolution, H.J.R. 32, was adopted.

Also:

The following resolutions were introduced and distributed according to Joint Rule 11:

By Representative Hammett:

H.R. 33. EXPRESSING APPRECIATION TO THE OFFICERS AND DIRECTORS OF THE SOLON AND MARTHA DIXON FOUNDATION.

Also:

By Representative Hammett:

H.R. 34. MOURNING THE DEATH OF JOHN WESLEY HUTTO OF COVINGTON COUNTY, ALABAMA.

Also:

By Representative Hammett:

H.R. 35. COMMENDING BOBBY R. JACKSON OF COVINGTON COUNTY FOR OUTSTANDING ACHIEVEMENT.

Also:

By Representative Hammett:

H.R. 36. COMMENDING JOHN R. COOK, JR., OF ANDALUSIA, ALABAMA, FOR OUTSTANDING ACHIEVEMENT.

Also:

By Representative Hammett:

H.R. 37. COMMENDING JERRY ALEXANDER OF ANDALUSIA, ALABAMA, ON HIS OUTSTANDING CAREER WITH THE USDA FOREST SERVICE.

Also:

The following resolutions were introduced:

By Representative Campbell:

H.J.R. 38. COMMENDING THE ANNISTON MIDDLE SCHOOL STATE CHAMPION SCHOLARS BOWL TEAM FOR 1991.

WHEREAS, it is with great pride and pleasure that the Legislature of Alabama congratulates the Anniston Middle School Scholars Bowl Team on the 1991 Alabama Middle School Scholars Bowl Championship; and

WHEREAS, Anniston Middle School, in only its second year of participation in the Scholars Bowl program, went undefeated at the district level against teams from Talladega, Cleburne, Etowah and Calhoun Counties, and, as district champions, qualified for the first middle school competition ever held at the state level; and

WHEREAS, superbly tutored by Coaches Wilma Guthrie and Judy Fleischamel, the AMS Scholars Bowl Champions are Tommy Alexy, Todd Clark, Cameron Kirkpatrick, Rhett Sypher, Tommy Temple and Team Captain Brian Wilhoite, all seventh grade students who, in competition primarily with eighth-grade teams, captured the first Alabama Middle School Scholars Bowl Championship and thereby are a source of great pride to their school and community; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That in recognition of outstanding achievement, we hereby most highly commend the State Championship Anniston Middle School Scholars Bowl Team for 1991, and do further provide that copies of this resolution be forwarded to Coaches Guthrie and Fleischamel for appropriate presentation and school display.

The resolution, H.J.R. 38, was read and referred to the Standing Committee on Rules.

Also:

By Representative Campbell:

H.J.R. 39. SUSTAINING THE DISAPPROVAL BY THE JOINT COMMITTEE ON ADMINISTRATIVE REGULATION REVIEW OF THE DEPARTMENT OF CONSERVATION AND NATURAL RESOURCES PROPOSED AMENDMENT OF RULE 220-6-.03, BOATING SAFETY OPERATIONS.

WHEREAS, on August 22, 1990, the Department of Conservation and Natural Resources filed "Notice of Intended Action" of a proposed amendment of Rule 220-6-.03, Boating Safety Operations, a copy of which is attached hereto and made a part hereof. The notice appeared on page 391 of the August 31, 1990 Alabama Administrative Monthly and was the subject of review at the October 24, 1990 meeting of the Joint Committee on Administrative Regulation Review; and

WHEREAS, after hearing from interested persons, the Joint Committee, in accordance with Section 41-22-23(b), Code of Alabama 1975, disapproved the proposed amendment; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That the disapproval of the said Department of Conservation and Natural Resources proposed amendment of Rule 220-6-.03, Boating Safety Operations, by the Joint Committee on Administrative Regulation Review, is hereby sustained.

TRANSMITTAL SHEET FOR
NOTICE OF INTENDED ACTION

Control No. 220 Department or Agency Conservation and Natural Resources

Rule No. 220-6-.03

Rule Title: Boating Safety Operations

 New; X Amend; Repeal; Adopt by Reference

Would the absence of the rule significantly harm or endanger the public health, welfare, or safety? YES

Is there a reasonable relationship between the state's police power and the protection of the public health, safety, or welfare? YES

Is there another, less restrictive method of regulation available that could adequately protect the public? NO

Does the rule have the effect of directly or indirectly increasing the costs of any goods or services involved and, if so, to what degree? NO

Is the increase in cost, if any, more harmful to the public than the harm that might result from the absence of the rule? N/A

Are all facets of the rulemaking process designed solely for the purpose of, and so they have, as their primary effect, the protection of the public? YES

Certification of Authorized Official

I certify that the attached rule has been proposed in full compliance with the requirements of Act No. 81-855 and that it conforms to all applicable Alabama Administration Procedure Division filing requirements.

Signature of certifying officer David J. Dean
Secretary of Administrative
Procedures

Date August 22, 1990

FOR APD-USE ONLY

PUBLISHED IN VOLUME VIII ISSUE NO. 11

EDITED AND APPROVED BY _____

DOCUMENT NO. 593

Rec'd & Filed Legislative Ref Service August 1990

DEPARTMENT OF CONSERVATION AND NATURAL RESOURCES

Marine Police Division

Notice of Rulemaking Hearing

Rule No. 220-6-.03

Title of Rule: Boating Safety Operations

The Department of Conservation and Natural Resources proposes to amend Rule Number 220-6-.03, entitled "Boating Safety Operations", so as to prohibit permitting the operation of any mechanically propelled vessel on the waters of this state by persons under Sixteen (16) years of age unless accompanied by a parent or legal guardian of the operator; to provide for certain exceptions; to correct certain typographical or punctuational errors; and to provide for certain reference to paragraph or subparagraph numbers/letters herein rather than the term "regulation" or "Section" numbers.

Interested persons may present their views in writing to the Director of the Marine Police Division at any time during the 35-day period following August 31, 1990, or orally if requested in advance by personally appearing at Room 700, Folsom Administrative Building, 64 North Union Street, Montgomery, Alabama at 2:00 p.m. on Tuesday, October 9, 1990. Contact Person: Mr. William B. Garner,

Director, Marine Police Division, Department of Conservation and Natural Resources, Folsom Administrative Building, 64 North Union Street, Montgomery, Alabama 36130.

James D. Martin

220-6-.03 Boating Safety Operations

(1) The water traffic "Rules of the Road" in the State of Alabama shall be as follows:

Vessels passing head-on shall keep to the right. Vessels overtaking another vessel may do so on either side, but must grant the right-of-way to the vessel being overtaken.

When vessels are passing at right angles, the vessel on the left will yield right-of-way to vessel on the right. Motor boats shall yield right-of-way to non-motor powered boats as follows:

When being overtaken by non-powered vessels.

For deep draft vessels that have to remain in narrow channels.

When vessel is towing another vessel.

Motor boats must maintain a direct course when passing sail boats.

Any vessel approaching a landing dock or pier shall yield the right-of-way to any departing vessel.

Any vessel departing shoreline or tributary shall yield right-of-way to through traffic and vessels approaching shoreline or tributary.

Vessels will not abruptly change course without first determining that it can be safely done without risk of collision with another vessel.

If an operator fails to fully understand course of an approaching vessel he must slow down immediately to a speed barely sufficient for steerageway until the other vessel has passed.

Vessels yielding right-of-way shall reduce speed, stop, reverse, or alter course to avoid collision. Vessel with right-of-way shall hold course and speed. If there is danger of collision, all vessels will slow down, stop, or reverse until danger is averted.

Vessels will issue warning signals in fog or thick weather.

No mechanically propelled vessel shall be operated in a circular course around any other vessel or any person swimming.

In narrow channel vessels will keep to the right of mid-channel.

Vessels approaching or passing another vessel shall be operated in such manner and at such rate of speed as will not create a hazardous wash or wake.

No vessel shall obstruct or interfere with take-off, landing, or taxiing of aircraft.

All vessels shall be operated at reasonable speeds for given situations and must be under the complete control of the operator at all times.

No vessel or person shall obstruct or block navigation channel, entrance to channel, mooring slip, landing dock, launching ramp, pier or tributary.

Vessels shall keep at least 100 feet clearance of displayed diver's flag.

(2) All vessels as hereinafter designated shall be equipped with signal devices for use during night-time operation (sunset to sunrise) and during inclement weather where visibility is greatly reduced.

(a) All vessels sixteen (16) feet in length but less than twenty-six (26) feet are required to be equipped with an efficient whistle or other sound-producing mechanical device, whether operated by hand or power, capable of producing a blast of two seconds or more duration and audible for at least one-half mile.

(b) All vessels twenty-six (26) feet in length but not exceeding forty (40) feet are required to be equipped with an efficient whistle or other sound-producing mechanical device, hand or power operated, capable of producing a blast of two seconds or more duration and audible for a distance of at least one mile.

(c) All vessels exceeding ~~forth~~ forty (40) feet in length shall be equipped with an efficient whistle or similar device, power operated, capable of producing a blast of two seconds or more duration and audible for a distance of at ~~least~~ least one mile.

(d) Nothing in this ~~regulation~~ paragraph (2) shall be so construed as exempting a vessel from any further sound signal devices which may be required by the United States Coast Guard or other governmental agency when operating on the navigable waters of the state.

(3) The following designated vessels shall be required to have, when under way between sunset and sunrise the following specific lights:

(a) Manually propelled vessels under twenty-six (26) feet shall have readily at hand a lantern or flashlight showing a white light which shall be temporarily exhibited by the operator in sufficient time to prevent collision.

(b) All mechanically propelled vessels less than twenty-six (26) feet in length shall have one combination light in fore part of vessel showing red to port and green to starboard from right ahead to two points abaft the beam, visible at least one mile, along with one bright, white light aft showing all around the horizon, visible at least two miles.

1st Day

(c) Mechanically propelled vessels twenty-six (26) feet or over shall have on the port side, properly screened, a red light which shall show from right ahead to two points abaft the beam, visible at least one mile; and on the starboard side, properly screened, a green light which shall show from right ahead to two points abaft the beam, visible at least one mile; on the stern, one bright, white light showing all around the horizon, visible at least two miles; on the bow, one bright, white light in the fore part of the vessel showing from right ahead to two points abaft the beam on both sides, visible at least two miles.

(d) Combination sail and power vessels less than twenty-six (26) feet in length shall have a combination light forward with red to port and green to starboard, which light will show over twenty points of the compass, together with one white light aft, showing all around the horizon visible at least two miles.

(e) Combination sail and power vessels twenty-six (26) feet and over shall have a white light forward, visible over twenty points of the compass and an aft white light showing all around the horizon visible at least two miles, together with side lights, screened, each over ten points, red to port and green to starboard.

(f) Sail vessels less than twenty-six (26) feet shall have a combination light forward showing red and green lights over twenty points with red to port and green to starboard, together with a 12 point white light aft visible at least two miles.

(g) Sailing vessels twenty-six (26) feet and over shall have side lights of green to starboard, and red to port, each showing over ten points, together with a 12-point white light aft visible at least two miles.

(h) All vessels of whatever description or size when anchored in a normal navigation channel or passageway shall carry and display a steady white light, visible at least two miles from all directions, as a warning signal to avert collisions.

(4) All vessels hereinafter designated shall be equipped with fire extinguisher equipment which shall be kept in such a workable condition and location as to make it available for immediate and effective use when the vessel is occupied.

(a) All inboard and inboard/outboard motor vessels, regardless of size, shall have a hand portable fire extinguisher or semi-portable fire extinguisher using carbon dioxide (CO₂), foam, or other chemical ingredient such as is commonly used for extinguishing gasoline fires or petroleum product fires. Such fire extinguisher shall be approved by the U.S. Coast Guard.

(b) All vessels equipped with any butane gas, propane gas, kerosene, gasoline or petroleum product consuming device, except outboard motors, shall have a hand portable fire extinguisher or semi-portable fire extinguisher using carbon dioxide (CO₂), foam, or other chemical ingredient such as is commonly used for extinguishing a fire produced by the use of such device. Such fire extinguisher shall be approved by the U.S. Coast Guard.

(c) All motor vessels having closed or semi-closed cabins and any vessel with sleeping accommodations shall have a hand portable fire extinguisher or semi-portable fire extinguisher using carbon dioxide (CO₂), foam, or other chemical ingredient such as is commonly used for extinguishing fires. Such fire

extinguisher shall be approved by the U.S. Coast Guard.

(d) All motor vessels having closed compartments wherein portable fuel tanks are stored or having permanently installed fuel tanks shall have a hand portable or semi-portable fire extinguisher approved by the U.S. Coast Guard.

(e) Vessels requiring fire extinguishers shall carry at least the minimum number of hand portable or semi-portable fire extinguishers as follows:

VESSELS WITHOUT FIXED EXT. SYSTEM IN MACHINERY SPACE

CLASS OF MOTOR BOAT	FOAM (Min. Gals.)	CARBON DIOXIDE (Min. Lbs.)	DRY CHEMICAL (Min. Lbs.)	FREON (Min.Lbs.)
1 (Less than 16 ft.)	1 1/4	4	2	2 1/2
2 (16 ft. but less than 26 ft.)	1 1/4	4	2	2 1/2
3 (26 ft. but less than 40 ft.)	2 1/2	8	4	5
4 (40 ft. and over)	3-3 3/4	12	6	7 1/2

VESSELS WITH FIXED EXT. SYSTEM IN MACHINERY SPACE

1 (Less than 16 ft.)	None	None	None	None
2 (16 ft. but less than 26 ft.)	None	None	None	None
3 (26 ft. but less than 40 ft.)	1 1/4	4	2	2 1/2
4 (40 ft. and over)	2 1/2	8	4	5

(5) Every vessel operated on the waters of this state is required to have on board at least one U.S. Coast Guard approved personal flotation device (PFD) for each occupant aboard the vessel as specified below:

- Class I (less than 16 feet): a Type I, II, III, or IV.
- Class II (16 feet but less than 26 feet): a Type I, II, or III.
- Class III (26 feet but less than 40 feet): a Type I,II, or III.
- Class IV (40 feet and over): a Type I, II, or III.

(a) In addition to the above requirements for personal flotation devices, all recreational boats 16 feet and over in length operated on the waters of this state shall carry at least one Type IV PFD (cushion or ring buoy) as a throwable device. Such PFD's must be placed or stored on the vessel in such manner as to be readily available for use in case of emergency.

(b) Such PFD's that are torn, rotted, or damaged lose their U.S. Coast Guard approval. In addition, all PFD's shall be proper size for occupants on board.

(c) The Department of Conservation and Natural Resources, through its enforcement officers, shall have the right to inspect any required safety equipment aboard any vessel operated on the waters of this state.

(d) Any safety equipment found to be in an unserviceable condition may be stamped as unserviceable equipment and its use prohibited.

(e) Nothing in this ~~regulation paragraph(5)~~ shall be interpreted so as to mean that stamping shall be a prerequisite for prosecuting a person who violates any provision of this ~~regulation paragraph(5)~~.

(6) It shall be unlawful on the waters of this state for any person to operate, or give permission to another person to operate, any vessel less than 18 feet in length having an open cockpit and having more than 50 horsepower, unless said vessel is equipped with an emergency engine or motor shut-off switch.

(a) Said shut-off switch referred to in Section 1 hereof ~~this paragraph (6)~~, must be constructed and installed in such a manner so that, when in use, any removal of the operator from the normal operating station will result in the immediate shut-off of the engine or motor.

(b) For the purpose of this ~~regulation paragraph (6)~~, "open cockpit" means any vessel described herein not having a permanently affixed top or cabin over the normal operating station.

(7) Every motor boat except those of open construction using as fuel any inflammable or toxic fluid in any enclosure shall be provided with an efficient natural or mechanical ventilation system which is capable of removing inflammable or explosive gases.

(8) No vessel shall be equipped with any motor or other propulsion machinery beyond its safe power capacity, taking into consideration the type and construction of such vessel and other existing operating conditions.

(9) No vessel shall be loaded with passengers or cargo beyond its safe carrying capacity, taking into consideration weather and existing operating conditions.

(10) No person shall operate, give permission to operate, or offer for sale any vessel without a capacity plate affixed permanently thereto as specified by U.S. Coast Guard standards.

(11) No person, organization, or association shall sponsor or hold any marine regatta, race, parade, tournament or exhibition until said event has been approved either by the Marine Police Division, Department of Conservation and Natural Resources, or the United States Coast Guard.

(a) Any person, organization or association desiring to hold or sponsor such regatta, race, parade, tournament or exhibition on the waters of this state which are navigable waters of the United States and on which the United States Coast Guard maintains aids to navigation and which area is normally used for

commercial traffic or navigation shall make application for such event to the responsible Coast Guard district under such rules as that agency prescribes.

(b) Any person, organization or association desiring to hold or sponsor such regatta, race, parade, tournament or exhibition on the waters of this state other than those waters described in Section 2 subparagraph (a) hereof shall make application for such event to the Marine Police Division of the Department of Conservation and Natural Resources on forms provided by said Division which application must be submitted at least least fifteen (15) days before the date of the proposed event. Upon approval by the Marine Police Division of the said marine event, a written permit shall be issued to the applicant.

(12) No person shall operate or give permission to operate any vessel on the waters of this state towing a person or persons on water skis, surfboard, spinners, or other similar devices unless such person or persons being towed are wearing a ski belt or USCG approved personal flotation device (PFD).

(a) No person shall engage in that certain aquatic sport known as water skiing, including the use of surfboards, discs, spinners, or other similar devices, without wearing a ski belt or Coast Guard approved PFD.

(b) Any person being towed on skis, aquaplane, surfboard, spinner, or other similar devices shall be considered an occupant of the towing vessel.

(c) The provisions of this regulation paragraph (12) shall not apply to any person performing in a marine exhibition or tournament officially recognized by the Department of Conservation and Natural Resources or the United States Coast Guard.

(13) Whenever the Director of the Marine Police Division of the Department of Conservation and Natural Resources shall determine that, in the interests of public safety, it is necessary to restrict the speed of boats or boating activities on, or prohibit entrance of boats into, certain areas of the waters of this state, or otherwise regulate or prohibit the use of boats or water skis (including all devices similar to water skis) in such areas, he shall designate such restricted areas by appropriate signs, which signs shall be as follows:

A symbol of a diamond shape with a cross within the diamond, colored international orange on a white background, shall mean "Boats Keep Out".

A symbol of a circle shape, colored international orange on white background, designates a controlled or prohibited boating activity such as, limiting the speed of a vessel, prohibiting fishing or skiing or swimming, etc. In most instances, lettering will be placed in the center of said circle designating the prohibited or controlled boating activity.

Provided that whenever said restriction affects the interests of another division of the Department of Conservation and Natural Resources, the Director of the Division affected shall be consulted by the Director of the Marine Police Division and an agreement reached before the restriction becomes effective. If no

agreement on the restriction is reached, the Commissioner of Conservation and Natural Resources shall resolve the difference.

(a) It shall be unlawful for any person, firm or corporation to place or maintain any regulatory markers (signs or buoys) on the public waters of this state without first having received permission for the erection of such regulatory markers from the Marine Police Division of the Department of Conservation and Natural Resources. When permission for the erection of such markers is given, same may only be of a standard type and with standard lettering and colors which shall be specified and designated by the Marine Police Division of the Department of Conservation and Natural Resources. Any person, firm or corporation desiring to place or erect regulatory markers on the public waters of this state must first make application to the Marine Police Division for permission. Upon receipt of such application, the Marine Police Division shall notify such applicant or applicants of the necessary specifications for regulatory markers of the type desired and if permission for the erection and placing of markers is granted to the applicant, same must comply with the specifications as provided by the Marine Police Division.

(b) No person shall anchor or moor any vessel to a regulatory marker or aid to navigation.

(c) No person shall interfere with, destroy, submerge, climb upon, damage, move, or cause to be removed from its mooring, any regulatory marker or aid to navigation.

(d) The diver's flag shall not be less than 12 inches square, colored red with a white two-inch strip running diagonally from the top staff corner to the bottom fly corner and shall be prominently displayed and visible from all directions and kept within a 50 foot radius of divers when said divers are in the water.

(e) Nothing in this regulation paragraph (13) shall be interpreted so as to mean that signs or markers shall be a prerequisite for prosecuting a person who violates any other provisions of the Water Safety Act (Act No. 576, Acts of Alabama, Regular Session 1959, as amended) or any rule or regulation promulgated thereunder.

(14) It shall be unlawful for any person to operate any vessel on the waters of this State within 800 feet below a hydroelectric dam and/or navigation lock and dam unless each person aboard, including the operator, is wearing a U.S. Coast Guard approved personal flotation device Type I, Type II, or Type III.

(a) Such personal flotation device will be worn and securely fastened in accordance with manufacturers instructions and recommendations for such personal flotation device.

(b) This regulation paragraph (14) is not intended to affect regulations promulgated by other governmental agencies, federal or state, related to activities that may or may not be conducted within 800 feet of such dams.

(15) No person owning or having control of a mechanically propelled vessel shall permit any person under the age of ~~twelve (12)~~ sixteen (16) years to operate

said vessel on the waters of this State unless accompanied by ~~a person twelve (12) years of age or older, which person is qualified and capable of operating such vessel a parent or legal guardian of the operator.~~

~~(a) The provisions of this regulation shall not apply to persons under 12 years of age that have in their possession a certificate issued by the Marine Police Division, Department of Conservation and Natural Resources, certifying that such person has successfully completed an approved course of Water Safety and Boating Instruction.~~

~~(b) The provisions of this regulation shall not apply to any person operating a vessel under the age of twelve (12) years in a Department of Conservation and Natural Resources or United States Coast Guard officially recognized marine tournament, race, or other event.~~

(a) The provisions of this paragraph (15) shall not apply to any person operating a vessel under the age of sixteen (16) years in a Department of Conservation and Natural Resources or United States Coast Guard officially recognized marine tournament, race, regatta, or other event.

(16) Every motor boat using gasoline as fuel except outboard motors shall have the carburetor or carburetors of every engine therein equipped with a United States Coast Guard approved flame arrestor or backfire trap.

(17) It shall be unlawful for any person to operate or give permission to operate any vessel powered by an engine or outboard motor on the waters of this State in such a manner as to exceed a noise level of 86 decibels measured at a minimum distance of fifty (50) feet from the vessel.

(a) Testing procedures employed to determine such noise levels shall be in accordance with procedures recommended by the Environmental Protection Agency.

(b) It shall be a violation of this ~~regulation~~ paragraph (17) for any person reasonably suspected by a Marine Policeman or other authorized law enforcement officer to be operating a vessel that exceeds the noise limitation prescribed herein to refuse to submit his vessel for a noise emission test.

(c) The provisions of this ~~regulation~~ paragraph (17) shall not apply to vessels competing in a regatta, boat race or speed trial run provided that such regatta, race or speed trial has been officially approved by the Marine Police Division or United States Coast Guard and is being conducted during the time and in the designated area authorized by the permit.

EFFECTIVE DATE: This regulation shall become effective on the 36th day after filing with the Legislative Reference Service.

Statutory Authority: §§33-5-28 Code of Alabama

PENALTY: As provided by law.

9/30/82; 3/22/85;

The resolution, H.J.R. 39, was read and referred to the Standing Committee on Rules.

Also:

By Representative Campbell:

H.J.R. 40. SUSTAINING THE DISAPPROVAL BY THE JOINT COMMITTEE ON ADMINISTRATIVE REGULATION REVIEW OF THE STATE HEALTH PLANNING AND DEVELOPMENT AGENCY'S PROPOSED SUBSECTION (d), MOBILE RENAL LITHOTRIPTERS OF RULE 410-2-3-.07, EXTRACORPOREAL LITHOTRESIS.

WHEREAS, on April 19, 1990, the State Health Planning and Development Agency filed "Notice of Intended Action" of a proposed Subsection (d), Mobile Renal Lithotripters of existing Rule 410-2-3-.07, Extracorporeal Lithotresis, a copy of which is attached hereto and made a part hereof. The notice appeared on page 181 of the April 30, 1990 Alabama Administrative Monthly and was the subject of review at the June 19, 1990 meeting of the Joint Committee on Administrative Regulation Review; and

WHEREAS, after hearing from interested persons, the Joint Committee, in accordance with Section 41-22-23(b), Code of Alabama 1975, disapproved the proposed Subsection (d); now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That the disapproval of the said State Health Planning and Development Agency's proposed Subsection (d), Mobile Renal Lithotripters, of existing Rule 410-2-3-.07, Extracorporeal Lithotresis, by the Joint Committee on Administrative Regulation Review, is hereby sustained.

PROPOSED RULE

**TRANSMITTAL SHEET FOR
NOTICE OF INTENDED ACTION**

Control No. 410 Department or Agency State Health Planning and Development Agency

Rule No. 410-2-3-.07(D)

Rule Title: Mobile Renal Lithotripters

X New; Amend; Repeal; Adopt by Reference

Would the absence of the rule significantly harm or endanger the public health, welfare, or safety? NO

Is there a reasonable relationship between the state's police power and the protection of the public health, safety, or welfare? N/A

Is there another, less restrictive method of regulation available that could adequately protect the public?

N/A

Does the rule have the effect of directly or indirectly increasing the costs of any goods or services involved and, if so, to what degree?

NO

Is the increase in cost, if any, more harmful to the public than the harm that might result from the absence of the rule?

N/A

Are all facets of the rulemaking process designed solely for the purpose of, and so they have, as their primary effect, the protection of the public?

YES

Certification of Authorized Official

I certify that the attached rule has been proposed in full compliance with the requirements of Act No. 81-855 and that it conforms to all applicable Alabama Administrative Procedure Division filing requirements.

Signature of certifying officer Gary L. Jordan

Date April 19, 1990

FOR APD-USE ONLY

PUBLISHED IN VOLUME VIII ISSUE NO. 7

EDITED AND APPROVED BY _____

DOCUMENT NO. 304

Rec'd & Filed Legislative Ref Service Apr 19, 1990

STATE HEALTH PLANNING AND DEVELOPMENT AGENCY

DIVISION OF HEALTH PLANNING

NOTICE OF INTENDED ACTION

Rule Number and Title:

410-2-3-.07(D)

MOBILE RENAL LITHOTRIPTERS

Intended Action: Dr. Peter S. Shashy, a Montgomery Urologist, has petitioned the Statewide Health Coordinating Council (SHCC) to amend the Extracorporeal Lithotresis Chapter of the 1988-1992 Alabama State Health Plan to

indicate a need for Mobile Renal Lithotripters in the most populous metropolitan areas of Alabama. (Huntsville, Tri-Cities, Tuscaloosa, Birmingham, Anniston, Gadsden, Montgomery, Dothan, and Mobile.)

The SHCC has scheduled a Public Hearing for 10:00 a.m., June 14, 1990, in the auditorium of the Richard Beard Building at 1445 Federal Drive in Montgomery. Interested persons wishing to comment on Dr. Shashy's proposal are invited to attend.

GARY L. JORDAN, DIRECTOR
Division of Health Planning
State Health Planning and
Development Agency
121 Sixth Street North
Montgomery, AL 36104
Telephone: (205 242-4110)

AMEND SECTION 410-2-3-.07 OF THE ALABAMA STATE HEALTH PLAN (1988-1992) BY ADDING SUBSECTION (d) AS FOLLOWS:

(d) MOBILE RENAL LITHOTRIPTERS

1. The foregoing methodology set forth in subparagraph (2) (b) (1-6) applies to fixed renal lithotripters only and does not apply to mobile renal lithotripters. Mobile renal lithotripters allow health care facilities to share technology and associated expenses, thus helping to further the efforts of cost containment while improving accessibility to all areas of the State.

2. Need, accessibility to the patients and cost containment are the primary concerns in determining the approval of a mobile renal lithotripter. A CON for a mobile renal lithotripter should be approved for an applicant who demonstrates need, accessibility to the patient and cost containment. The need and accessibility to patient requirements shall be met by placement for utilization of mobile renal lithotripter units in any of the most populous metropolitan areas within a public health area. Priority consideration should be given to the placement of mobile renal lithotripters in the most populous metropolitan areas within the public health areas, consistent with diffusion for accessibility and with cost containment.

The most populous metropolitan areas within the six public health areas designated in the Alabama State Health Plan (1988-1992) are:

PHA 1 - (1) Huntsville Metropolitan Area

(2) Tri-Cities Metropolitan Area

PHA 2 - Tuscaloosa Metropolitan Area

PHA 3 - Birmingham Metropolitan Area

PHA 4 - (1) Anniston Metropolitan Area

(2) Gadsden Metropolitan Area

PHA 5 - (1) Montgomery Metropolitan Area

(2) Dothan Metropolitan Area

PHA 6 - Mobile Metropolitan Area

One mobile renal lithotripter may be approved for each 150,000 population or fraction thereof within the metropolitan area; provided, however, one mobile renal lithotripter may be approved for each of the most populous metropolitan area within a public health area regardless of population, consistent with diffusion for accessibility and with cost containment.

3. Quality of care requires that the applicant for a CON for a mobile renal lithotripter must have available the services of a urologist, certified or trained in the use of kidney lithotripters.

Author: Dr. Peter S. Shashy, Montgomery Urologist.

AMEND SECTION 410-2-3-.07 OF THE ALABAMA STATE HEALTH PLAN (1988-1992) BY ADDING SUBSECTION (d) AS FOLLOWS:

(d) MOBILE RENAL LITHOTRIPTERS

1. The foregoing methodology set forth in subparagraph (2) (b) (1-6) applies to fixed renal lithotripters only and does not apply to mobile renal lithotripters. Mobile renal lithotripters allow health care facilities to share technology and associated expenses, thus helping to further the goal of cost containment while providing accessibility to all areas of the State. Since the adoption of the foregoing methodology, a number of advances have been made in the removal of kidney stones including the availability of mobile lithotripsy. Alabama should offer mobile lithotripsy services to accommodate the needs of citizens in both metropolitan and rural areas, provided the cost is reasonable and competitive with the fixed based machine and a greater population base may be served.

2. (a) Need, accessibility to the patients and cost containment are the primary concerns in determining the approval of a mobile renal lithotripter. Citizen accessibility for renal lithotripsy is currently available through mobile lithotripsy in other states. The current total patient costs for travel and for a procedure at the two existing fixed based sites, Mobile and Birmingham, could be reduced for the patient by the availability of renal lithotripter services via mobile renal lithotripsy. Alabamians requiring removal of kidney stones must travel to Mobile or Birmingham even though there are trained urologists and sites available in areas much closer to the patient. The State Plan as originally adopted emphasized factors that relate only to utilization and did not recognize costs or accessibility as factors, both of which are practical planning procedures that would be served by the approval of mobile services. Therefore, in order to enhance patient accessibility and consistent with cost containment, the State Health Plan is amended to allow mobile renal lithotripsy only in specific areas where there are not currently renal lithotripsy services provided by fixed based units.

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- * The existing fixed based renal unit in Birmingham is accessible to the citizens of Blount, Walker, St. Clair, Shelby, Jefferson and Chilton counties.
- * The existing fixed based renal unit in Mobile is accessible to the citizens of Clarke, Washington, Monroe, Conecuh, Escambia, Mobile, Butler, Choctaw, and Baldwin counties.

(b) For purposes of this subsection (d), mobile lithotripters shall not be approved to provide only fixed based services.

3. (a) "Mobile renal lithotripter" is defined as a renal lithotripter which is located at one site no more than two days per week. "Qualified site" is defined as health care facility (i) with not less than two (2) urologists on active or full time staff, at least one of whom shall be certified or trained in the use of kidney lithotripters, and (ii) which demonstrate a need through previous referrals of at least an average of 45 patients per year during the preceding two years for extracorporeal renal lithotripsy, and (iii) which is located in an identified metropolitan statistical area named in Paragraph (4) of this subsection.

(b) Quality of care requires that the applicant for a Certificate of Need for providing lithotripsy utilizing a mobile renal lithotripter must have available the services of at least two (2) urologists, one of whom shall be certified or trained in the use of kidney lithotripters.

4. The following areas shall be served at a qualified site or sites by mobile lithotripsy services:

Area I. The Huntsville Metropolitan Statistical Area and the Florence Metropolitan Statistical Area to service Madison, Limestone, Lauderdale, Jackson, Colbert, Lawrence, Morgan, Marshall, Franklin, Marion, Winston, and Cullman counties. Total population of 875,177.

Area II. The combined Anniston-Gadsden Metropolitan Statistical Areas to serve DeKalb, Etowah, Cherokee, Calhoun, Cleburne, Talladega, Clay, and Randolph counties. Total population of 447,506.

Area III. The Tuscaloosa Metropolitan Statistical Area to serve Lamar, Fayette, Pickens, Tuscaloosa, Bibb, Greene, Hale, Perry, Sumter, and Marengo counties. Total population of 311,694.

Area IV. The Montgomery Metropolitan Statistical Area and the Dothan Metropolitan Statistical Area to serve Elmore, Coosa, Tallapoosa, Chambers, Lee, Montgomery, Bullock, Barbour, Houston, Pike, Covington, Geneva, Macon, Russell, Lowndes, Autauga, Dallas, Wilcox, Dale, Coffee, Crenshaw, and Henry counties. Total population of 999,701.

5. Each applicant for a Certificate of Need to provide a mobile renal lithotripter for use within the specific areas where there are not currently renal lithotripsy services provided by fixed base units who demonstrates that the mobile

lithotripsy unit meets with necessary health standards and the costs of which are competitive may be granted a Certificate of Need by SHPDA; provided however no additional capital expenditure for the acquisition of mobile lithotripters shall be approved as an adequate number of mobile lithotripters are currently available to satisfy the current needs of Alabama citizens.

6. Each applicant for a Certificate of Need to authorize the providing of renal lithotripsy by utilizing a mobile renal lithotripter must be a qualified site as defined herein and must demonstrate that patient charges and operational costs are competitive to current surgical and other methods and must provide data as requested by the SHCC for planning and monitoring purposes.

7. No more than two Certificates of Need for qualified sites may be granted in any one metropolitan statistical area.

The resolution, H.J.R. 40, was read and referred to the Standing Committee on Rules.

Also:

By Representative Campbell:

H.J.R. 41. SUSTAINING THE DISAPPROVAL BY THE JOINT COMMITTEE ON ADMINISTRATIVE REGULATION REVIEW OF THE ALABAMA STATE BOARD OF PHARMACY'S PROPOSED AMENDMENT OF RULE 680-X-2-.07, MAIL ORDER PRESCRIPTIONS.

WHEREAS, on December 18, 1989, the Alabama State Board of Pharmacy filed "Notice of Intended Action" of a proposed amendment of Rule 680-X-2-.07, Mail Order Prescriptions, a copy of which is attached hereto and made a part hereof. The notice appeared on page 57 of the December 29, 1989 Alabama Administrative Monthly and was the subject of review at the February 21, 1990 meeting of the Joint Committee on Administrative Regulation Review; and

WHEREAS, after hearing from interested persons, the Joint Committee, in accordance with Section 41-22-23(d), Code of Alabama 1975, approved the Alabama State Board of Pharmacy's request of withdrawal of said proposed amendment; and

WHEREAS, on May 30, 1990, the Alabama State Board of Pharmacy, pursuant to Section 41-22-23(d), Code of Alabama 1975, returned said proposed rule with modifications, and said modified rule was the subject of review at the July 17, 1990 meeting of the Joint Committee on Administrative Regulation Review; and

WHEREAS, after hearing from interested persons, the Joint Committee adopted Senator Ryan deGraffenried's amendment to the rule and returned said rule to the Alabama State Board of Pharmacy with the deGraffenried amendment in accordance with Section 41-22-23(c), Code of Alabama 1975, and the said Alabama State Board of Pharmacy failed to adopt the deGraffenried amendment; and

WHEREAS, said modified rule filed by the Alabama State Board of Pharmacy on May 30, 1990 was suspended and disallowed by operation of law in Section 41-22-23, Code of Alabama 1975; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That the disapproval of the said Alabama State Board of Pharmacy's proposed modified rule 680-X-2-.07, Mail Order Prescriptions, is hereby sustained.

MODIFIED RULE FILED ON MAY 30, 1990

**CERTIFICATION OF ADMINISTRATIVE RULES
FILED WITH THE LEGISLATIVE REFERENCE SERVICE
LOUIS G. GREENE, DIRECTOR**

(Pursuant to Code of Alabama 1975, § 41-22-6, as amended).

I do hereby certify that the attached is/are a correct copy/copies of rule/s as promulgated and adopted on the 27th day of March, 1990, and filed with the agency secretary on the 28th day of March 1990.

AGENCY NAME: ALABAMA STATE BOARD OF PHARMACY

XX Amendment; ___ New; ___ Repeal; (Mark appropriate space)

Rule No. 680-X-2-.07

(If amended rule, give specific paragraph, subparagraphs, etc., being amended) additions of paragraphs (2); (3); (4)(a)(b)(c)(d) (e); (5)(a)(b)(c)(d); (6)(a)(b)(c)(d); (7)

Rule Title: MAIL ORDER PRESCRIPTIONS

ACTION TAKEN: State whether the rule was adopted with or without changes from the proposal due to written or oral comments;

with changes

NOTICE OF INTENDED ACTION PUBLISHED IN VOLUME VIII,

ISSUE NO. 3, AAM, DATED 29 December, 1989.

Statutory Rulemaking Authority: Section 34-23-92 Code of Alabama 1975.

MITZI G. ELLENBURG
Certifying Officer
or his Deputy

Rec'd & Filed Legislative Ref Service May 30, 1990 # 417

(NOTE: In accordance with § 41-22-6(b), as amended, a proposed rule must be certified within 90 days after completion of the notice, but excluding any rule under review by the committee).

RULES OF ALABAMA STATE BOARD OF PHARMACY

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680-X-2-.18	Hospital Pharmacies
680-X-2-.19	Parenteral Therapy
680-X-2-.20	Nuclear Pharmacy

680-X-2-.07. MAIL ORDER PRESCRIPTIONS.

(1) Every applicant for a Mail Order Permit or Permits pursuant to the provisions of Section 34-23-30 and Section 34-23-31 of Title 34, Chapter 23, Code of Alabama 1975, shall pay a fee of \$25.00 annually. This fee in the case of pharmacies located within the State of Alabama shall be in addition to the regular \$25.00 renewal fee paid for registration in Alabama. On first registration by a Pharmacy located outside of the State of Alabama, the provisions of Section 34-23-30 shall apply to such first registration.

(2) Registration. No Nonresident Pharmacy shall ship, mail or deliver prescription drugs and/or devices to a patient in this state unless registered by the Alabama State Board of Pharmacy.

(3) Agent of Record. Each Nonresident Pharmacy that ships, mails, or delivers prescription drugs and/or devices to a patient in the state of Alabama shall designate a resident agent in Alabama for service of process. Any such

1st Day

Nonresident Pharmacy that does not so designate a registered agent and that ships, mails, or delivers prescription drugs and/or devices in the state of Alabama shall be deemed an appointment by such Nonresident Pharmacy of the Secretary of State to be its true and lawful attorney upon whom may be served all legal process in any action or proceedings against such pharmacy growing out of or arising from such delivery. A copy of any such service of process shall be mailed to the Nonresident Pharmacy by the complaining party by certified mail, return receipt requested, postage prepaid, at the address of such Nonresident Pharmacy as designated on the pharmacy's application for registration in this state. If any such pharmacy is not licensed in this state, service on the Secretary of State of Alabama only shall be sufficient service.

(4) **Conditions of Registration.** As conditions of receiving a permit, the Nonresident Pharmacy must comply with the following:

(a) Be registered and in good standing in the State in which such pharmacy is located;

(b) Maintain, in readily retrievable form, records of legend drugs and/or devices dispensed to Alabama patients;

(c) Supply upon request, all information needed by the Alabama Board of Pharmacy to carry out the Board's responsibilities under the statutes and regulations pertaining to Nonresident Pharmacies;

(d) Maintain pharmacy hours that permit the timely dispensing of drugs to Alabama patients and provide reasonable access for the Alabama patients to consult with a licensed pharmacist about such patients' medications.

(e) Provide toll-free telephone communication consultation between an Alabama patient and a pharmacist at the pharmacy who has access to the patient's records, and ensure that said telephone number(s) will be placed upon the label affixed to each legend drug container;

5. **Compliance.** Each Nonresident Pharmacy shall comply with the following:

(a) All statutory and regulatory requirements of the State of Alabama for controlled substances, including those that are different from federal law or regulation, unless compliance would violate the pharmacy drug laws or regulations of the state in which the pharmacy is located.

(b) All the statutory and regulatory requirements of the state of Alabama regarding drug product selection laws, unless compliance would violate the laws or regulations of the state in which the pharmacy is located.

(c) Labeling of all prescriptions dispensed, to include but not limited to identification of the product and quantity dispensed.

(d) All the statutory and regulatory requirements of the State of Alabama for dispensing prescriptions in accordance with the quantities indicated by the

prescriber, unless compliance would violate laws or regulations of the state in which the pharmacy is located.

6. Policy and Procedure Manual. Each Nonresident Pharmacy shall develop and provide the resident board of pharmacy with a policy and procedure manual that sets forth:

(a) Normal delivery protocols and times;

(b) The procedure to be followed if the patient's medication is not available at the Nonresident Pharmacy, or if delivery will be delayed beyond the normal delivery time;

(c) The procedure to be followed upon receipt of a prescription for an acute illness, which policy shall include a procedure for delivery of the medication to the patient from the Nonresident Pharmacy at the earliest possible time (i. e. courier delivery), or an alternative that assures the patient the opportunity to obtain the medication at the earliest possible time;

(d) The procedure to be followed when the Nonresident Pharmacy is advised that the patient's medication has not been received within the normal delivery time and that the patient is out of medication and requires interim dosage until mailed prescription drugs become available.

7. Disciplinary Action. Except in emergencies that constitute an immediate threat to public health and require prompt action by the Board, the Alabama Board of Pharmacy shall file a complaint against any Nonresident Pharmacy that violates any statute or regulation of Alabama for conduct which causes serious bodily or psychological injury to a resident of this state. This complaint shall be filed with the Board in which the Nonresident Pharmacy is located. If the Board in the state in which the Nonresident Pharmacy is based fails to resolve the violation complained of within a reasonable time, (not less than forty-five (45) days from the date that the complaint is filed), disciplinary proceedings may be instituted in Alabama before the Board.

Author:	James W. McLane, Executive Secretary
Statutory Authority:	Section 34-23-92 Code of Alabama 1975
Effective Date:	15 April 1986
Amended:	Filed 28 March 1990; Effective: 01 August 1990

deGraffenried Substitute
for 680-X-2-.07

680-X-2-.07 MAIL ORDER PRESCRIPTIONS.

(1) Every applicant for a Mail Order Permit or Permits pursuant to the provisions of Section 34-23-30 and Section 34-23-31 of Title 34, Chapter 23, Code of Alabama 1975, shall pay a fee of \$25.00 annually. This fee in the case of pharmacies located within the State of Alabama, whose majority of their business is through mail order, shall be in addition to the regular \$25.00 renewal fee paid

for registration in Alabama. On the first registration by a Pharmacy located outside the State of Alabama, the provision of Section 34-23-30 shall apply to such first registration.

(2) **Registration.** No Nonresident Pharmacy shall ship, mail or deliver prescription drugs and/or devices to a patient in this state unless registered by the Alabama State Board of Pharmacy.

(3) **Agent of Record.** Each Nonresident Pharmacy that ships, mails, or delivers prescription drugs and/or devices to a patient in the state of Alabama shall designate a resident in Alabama for service of process. Any such Nonresident Pharmacy that does not so designate a registered agent and that ships, mails, or delivers prescription drugs and/or devices in the state of Alabama shall be deemed an appointment by such Nonresident Pharmacy of the Secretary of State to be its true and lawful attorney upon whom may be served all legal process in any action or proceedings against such pharmacy growing out of or arising from such delivery. A copy of any such service of process shall be mailed to the Nonresident Pharmacy by the complaining party by certified mail, return receipt requested, postage prepaid, at the address of such Nonresident Pharmacy as designated on the pharmacy's application for registration in this state. If any such pharmacy is not licensed in this state, service on the Secretary of State of Alabama only shall be sufficient service.

(4) **Conditions of Registration.** As conditions of receiving a permit, the Nonresident Pharmacy must comply with the following:

(a) Be registered and in good standing in the State in which such pharmacy is located;

(b) Maintain, in readily retrievable form, records of legend drugs and/or devices dispensed to Alabama patients;

(c) Supply upon request, all information needed by the Alabama Board of Pharmacy to carry out the Board's responsibilities under the statutes and regulations pertaining to Nonresident Pharmacies;

(d) Maintain pharmacy hours that permit the timely dispensing of drugs to Alabama patients and provide reasonable access for the Alabama patients to consult with a licensed pharmacist about such patients' medications.

**ORIGINAL PROPOSED RULE
WITHDRAWN BY LEAVE OF
THE COMMITTEE ON
FEBRUARY 21, 1990.**

**TRANSMITTAL SHEET
FOR
NOTICE OF INTENDED ACTION**

ALABAMA STATE

BOARD OF PHARMACY; Control No.680; Statutory Authority 34-23-92

Rule No. 680-X-2-.07; Rule Title MAIL ORDER PRESCRIPTIONS_____ New Rule; xxxx Amendment; _____ Repeal; _____ Adoption by
Ref.Would the absence of the rule significantly harm or endanger
the public health, welfare, or safety?YESIs there a reasonable relationship between the state's police
power and the protection of the public health, safety,
or welfare?YESIs there another, less restrictive method of regulation available
that could adequately protect the public?NODoes the rule have the effect of directly or indirectly increasing
the costs of any goods or services involved and,
if so, to what degree?NOIs the increase in cost, if any, more harmful to the public than
the harm that might result from the absence of the rule?N/AAre all facets of the rulemaking process designed solely for the
purpose of, and so they have, as their primary effect, the
protection of the public?YES

Certification of Authorized Official

I certify that the attached rule has been proposed in full compliance with the
requirements of Act No. 81-855 and that it conforms to all applicable Alabama
Administrative Procedure Division filing requirements.Mitzi G. Ellenburg15 December 1989Signature of certifying officer
or his deputy

Date

For APD Use Only

Published in Volume VIII, Issue No. 3 Administrative Monthly

Edited and approved by _____

Document No. 134

Rec'd & Filed Legislative Ref Service Dec 18, 1989

ALABAMA STATE BOARD OF PHARMACY

Notice of Rulemaking Hearing

Rule No. 680-X-2-.07

Title of Rule: MAIL ORDER PRESCRIPTIONS.

The Alabama State Board of Pharmacy proposes to amend rule 680-X-2-.07 dealing with mail order prescriptions being sent into this state.

The amended rule was adopted by the Board of Pharmacy to require pharmacies located outside of Alabama to, clearly, identify an agent of record and comply with certain requirements as a condition for registration. It specifies disciplinary action to be taken against nonresident pharmacies that violates statutes or regulations of Alabama.

Interested persons may present their views in writing to the Secretary of the Alabama State Board of Pharmacy at any time during a thirty-five (35) day period following December 31, 1989, or, if requested in advance by personally appearing at a Public Hearing to be held beginning at 10:00 A.M. on February 6, 1990, at:

Board of Pharmacy
Conference Room
1 Perimeter Park South
Suite 425 South
Birmingham, Alabama 35243

Anyone interested in obtaining a copy of the rule proposed herein, may contact James W. McLane, Secretary, Alabama State Board of Pharmacy at the address above or by telephone (205) 967-0130.

Any request for oral presentation should be submitted by letter to the Board of Pharmacy address at least three (3) days prior to the hearing.

RULES OF ALABAMA STATE BOARD OF PHARMACY

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680-X-2-.19	Parenteral Therapy
680-X-2-.20	Nuclear Pharmacy

James W. McLane, Executive Secretary

ALABAMA STATE BOARD OF PHARMACY

RULE NUMBER 680-X-2

680-X-2-.07. MAIL ORDER PRESCRIPTIONS.

(1) Every applicant for a Mail Order Permit or Permits pursuant to the provisions of Section 34-23-30 and Section 34-23-31 of Title 34, Chapter 23, Code of Alabama 1975, shall pay a fee of \$25.00 annually. This fee in the case of pharmacies located within the State of Alabama shall be in addition to the regular \$25.00 renewal fee paid for registration in Alabama. On first registration by a Pharmacy located outside of the State of Alabama, the provisions of Section 34-23-30 shall apply to such first registration.

~~(2) All applicants for registration for mail order pharmacies located without the State of Alabama shall furnish the Alabama State Board of Pharmacy a certificate from the State Board of Pharmacy from the State in which such pharmacy is located certifying that such pharmacy is in full compliance with all laws and regulations of the Board of Pharmacy in its State. Registration. No Nonresident Pharmacy shall ship, mail or deliver prescription drugs and/or devices to a patient in this state unless registered by the Alabama State Board of Pharmacy.~~

(3) Agent of Record. Each Nonresident Pharmacy that ships, mails, or delivers prescription drugs and/or devices to a patient in the state of Alabama shall designate a resident agent in Alabama for service of process. Any such Nonresident Pharmacy that does not so designate a registered agent and that ships, mails, or delivers prescription drugs and/or devices in the state of Alabama shall be deemed an appointment by such Nonresident Pharmacy of the Secretary of State to be its true and lawful attorney upon whom may be served all legal process in any action or proceedings against such pharmacy growing out of or arising from such delivery. A copy of any such service of process shall be mailed to the Nonresident Pharmacy by the complaining party by certified mail, return receipt requested, postage prepaid, at the address of such Nonresident Pharmacy as designated on the pharmacy's application for registration in this state. If any such pharmacy is not licensed in this state, service on the Secretary of State of

Alabama only shall be sufficient service.

(4) Conditions of Registration. As conditions of receiving a permit, the Nonresident Pharmacy must comply with the following:

(a) Be registered and in good standing in the State in which such pharmacy is located;

(b) Maintain, in readily retrievable form, records of legend drugs and/or devices dispensed to Alabama patients;

(c) Supply upon request, all information needed by the Alabama Board of Pharmacy to carry out the Board's responsibilities under the statutes and regulations pertaining to Nonresident Pharmacies;

(d) Maintain pharmacy hours that permit the timely dispensing of drugs to Alabama patients and provide reasonable access for the Alabama patients to consult with a licensed pharmacist about such patients' medications.

(e) Provide toll-free telephone communication consultation between an Alabama patient and a pharmacist at the pharmacy who has access to the patient's records, and ensure that said telephone number(s) will be placed upon the label affixed to each legend drug container;

5. Compliance. Each Nonresident Pharmacy shall comply with the following:

(a) All statutory and regulatory requirements of the State of Alabama for controlled substances, including those that are different from federal law or regulation, unless compliance would violate the pharmacy drug laws or regulations of the state in which the pharmacy is located.

(b) All the statutory and regulatory requirements of the state of Alabama regarding drug product selection laws, unless compliance would violate the laws or regulations of the state in which the pharmacy is located.

(c) Labeling of all prescriptions dispensed, to include but not limited to identification of the product and quantity dispensed.

(d) All the statutory and regulatory requirements of the State of Alabama for dispensing prescriptions in accordance with the quantities indicated by the prescriber, unless compliance would violate laws or regulations of the state in which the pharmacy is located.

6. Policy and Procedure Manual. Each Nonresident Pharmacy shall develop and provide the resident board of pharmacy with a policy and procedure manual that sets forth:

(a) Normal delivery protocols and times;

(b) The procedure to be followed if the patient's medication is not available

at the Nonresident Pharmacy, or if delivery will be delayed beyond the normal delivery time;

(c) The procedure to be followed upon receipt of a prescription for an acute illness, which policy shall include a procedure for delivery of the medication to the patient from the Nonresident Pharmacy at the earliest possible time (i. e. courier delivery), or an alternative that assures the patient the opportunity to obtain the medication at the earliest possible time;

(d) The procedure to be followed when the Nonresident Pharmacy is advised that the patient's medication has not been received within the normal delivery time and that the patient is out of medication and requires interim dosage until mailed prescription drugs become available.

7. Disciplinary Action. Except in emergencies that constitute an immediate threat to public health and require prompt action by the Board, the Alabama Board of Pharmacy shall file a complaint against any Nonresident Pharmacy that violates any statute or regulation of Alabama with the Board in which the Nonresident Pharmacy is located. If the Board in the state in which the Nonresident Pharmacy is based fails to resolve the violation complained of within a reasonable time, (not less than ninety (90) days from the date that the complaint is filed), disciplinary proceedings may be instituted in Alabama before the Board.

Statutory Authority: Section 34-23-92 Code of Alabama 1975

The resolution, H.J.R. 41, was read and referred to the Standing Committee on Rules.

Also:

By Representative Campbell:

H.J.R. 42. SUSTAINING THE DISAPPROVAL BY THE JOINT COMMITTEE ON ADMINISTRATIVE REGULATION REVIEW OF THE ALABAMA STATE BOARD OF PHARMACY'S PROPOSED NEW RULE 680-X-2-.21, PATIENT COUNSELING AND DRUG UTILIZATION REVIEW.

WHEREAS, on December 18, 1989, the Alabama State Board of Pharmacy filed "Notice of Intended Action" of a proposed new Rule 680-X-2-.21, Patient Counseling and Drug Utilization Review, a copy of which is attached hereto and made a part hereof. The notice appeared on page 59 of the December 29, 1989 Alabama Administrative Monthly and was the subject of review at the February 21, 1990 meeting of the Joint Committee on Administrative Regulation Review; and

WHEREAS, after hearing from interested persons, the Joint Committee, in accordance with Section 41-22-23(d), Code of Alabama 1975, approved the Alabama State Board of Pharmacy's request of withdrawal of said proposed new rule; and

WHEREAS, on May 30, 1990, the Alabama State Board of Pharmacy,

**REGULAR SESSION
1st Day**

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pursuant to Section 41-22-23(d), Code of Alabama 1975, returned said proposed modified rule, and said modified rule was the subject of review at the July 17, 1990 meeting of the Joint Committee on Administrative Regulation Review; and

WHEREAS, after hearing from interested persons, the Joint Committee adopted Senator Ryan deGraffenried's amendment to the rule and returned said rule to the Alabama State Board of Pharmacy with the deGraffenried amendment in accordance with Section 41-22-23(c), Code of Alabama 1975, and the said Alabama State Board of Pharmacy failed to adopt the deGraffenried amendment; and

WHEREAS, said modified rule filed by the Alabama State Board of Pharmacy on May 30, 1990 was suspended and disallowed by operation of law in Section 41-22-23, Code of Alabama 1975; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That the disapproval of the said Alabama State Board of Pharmacy's proposed modified rule 680-X-2-.21, Patient Counseling and Drug Utilization Review, is hereby sustained.

ORIGINAL PROPOSED RULE
WITHDRAWN BY LEAVE OF THE
COMMITTEE ON FEBRUARY 21, 1990

**TRANSMITTAL SHEET
FOR
NOTICE OF INTENDED ACTION**

ALABAMA STATE

BOARD OF PHARMACY; Control No. 680; Statutory Authority 34-23-92

Rule No. 680-X-2-.21; Rule Title PATIENT COUNSELING AND DRUG
UTILIZATION REVIEW

XXX New Rule; _____ Amendment; _____ Repeal; _____ Adoption by Ref.

Would the absence of the rule significantly harm or endanger
the public health, welfare, or safety?

YES

Is there a reasonable relationship between the state's police
power and the protection of the public health,
safety, or welfare?

YES

Is there another, less restrictive method of regulation available
that could adequately protect the public?

NO

Does the rule have the effect of directly or indirectly increasing the costs of any goods or services involved and, if so, to what degree? NO

Is the increase in cost, if any, more harmful to the public than the harm that might result from the absence of the rule? N/A

Are all facets of the rulemaking process designed solely for the purpose of, and so they have, as their primary effect, the protection of the public? YES

Certification of Authorized Official

I certify that the attached rule has been proposed in full compliance with the requirements of Act No. 81-855 and that it conforms to all applicable Alabama Administrative Procedure Division filing requirements.

Mitzi G. Ellenburg 15 December 1989
Signature of certifying officer Date
or his deputy

For APD Use Only

Published in Volume VIII, Issue No. 3 Administrative Monthly

Edited and approved by _____

Document No. 136

Rec'd & Filed Legislative Ref Service Dec 18, 1989

ALABAMA STATE BOARD OF PHARMACY

Notice of Rulemaking Hearing

Rule No. 680-X-2.-21

Title of Rule: PATIENT COUNSELING AND DRUG UTILIZATION REVIEW

The Alabama State Board of Pharmacy proposes to adopt a new rule dealing with patient counseling and drug utilization review with every new prescription or new drug order dispensed. The purpose of the rule is to improve patient understanding and compliance with at least a discussion of the therapeutic use of the prescription, proper dosage scheduling and appropriate warnings, if any, using a patient medication profile as a focus on previous medications prescribed. This proposal was deemed necessary in the public interest.

Interested persons may present their views in writing to the Secretary of the Alabama State Board of Pharmacy at any time during a thirty-five (35) day period following December 31, 1989, or, if requested in advance by personally appearing at a Public Hearing to be held beginning at 10:00 A.M. on February 6, 1990, at:

Board of Pharmacy
Conference Room
1 Perimeter Park South
Suite 425 South
Birmingham, Alabama 35243

Anyone interested in obtaining a copy of the rule proposed herein, may contact James W. McLane, Secretary, Alabama State Board of Pharmacy at the address above or by telephone (205) 967-0130.

Any request for oral presentation should be submitted by letter to the Board of Pharmacy address at least three (3) days prior to the hearing.

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680-X-2-.19	Parenteral Therapy
680-X-2-.20	Nuclear Pharmacy
680-X-2-.21	Patient Counseling and Drug Utilization Review

James W. McLane, Executive Secretary

ALABAMA STATE BOARD OF PHARMACY

RULE NUMBER 680-X-2

680-X-2-.21 PATIENT COUNSELING AND DRUG UTILIZATION REVIEW

(1) Pharmacists, because of their strategic position in the health care system, have traditionally provided drug information to other health care professionals and to their patients. In the best interest of the public health, the pharmacist shall, routinely, counsel their patients and review their medication profile with every new prescription dispensed to improve patient understanding and compliance.

(2) Pharmacists in community pharmacy settings shall, personally, give an oral consultation and perform a drug utilization review with every new prescription dispensed, either to the patient or his representative. If neither is available, the pharmacist shall make known the fact that a consultation is available and how he/she may be reached.

(3) Pharmacists in institutional pharmacy settings shall perform a drug utilization review on all new drug orders. They shall also, personally, give an oral consultation with every prescription (drug order) to any person to whom out patient prescriptions are dispensed.

(4) All prescription consultations shall include at least, a discussion of the therapeutic use of the prescription, proper dosage scheduling and appropriate warnings, if any.

(5) Supervising pharmacists/directors of pharmacy shall be responsible to the Board for the provision of the rule.

Statutory Authority: Section 34-23-92 Code of Alabama 1975

deGraffenried Substitute
for 680-X-2-.21

680-X-2-.21 MANDATORY PATIENT COUNSELING

(1) Pharmacists, because of their strategic position in the health care system, have traditionally provided drug information to other health care professionals and to their patients. In the best interest of the public health, the pharmacist shall, routinely where appropriate, counsel their patients and review their medication profile with every new prescription dispensed to improve patient understanding and compliance.

(2) Pharmacists in community practice settings shall give an oral consultation with every new prescription dispensed, when the pharmacist determines in their professional judgement that such consultation is needed or the patient requests such consultation, either to the patient or his representative. If neither is available, the pharmacist shall make known the fact that a consultation

is available and how he/she may be reached.

(3) Pharmacists in institutional settings shall give an oral consultation with every new prescription dispensed to a home-bound patient, when the pharmacist determines in their professional judgement that such consultation is needed or the patient requests such consultation, either to the patient or his representative. If neither is available, the pharmacist shall make known the fact that a consultation is available and how he/she may be reached.

(4) All prescription consultations shall include, at least where appropriate, a discussion of directions for usage, proper dosage scheduling and appropriate warnings, if any.

(5) Supervising pharmacists/directors shall be responsible to the Board for the provision of the rule.

Author: James M. McLane, Executive Secretary
Statutory Authority: Section 34-23-92 Code of Alabama 1975
Original rule filed: 29 December 1989
Amended: 28 March 1990;
Effective: 01 August 1990.

MODIFIED RULE
FILED
ON MAY 30, 1990

**CERTIFICATION OF ADMINISTRATIVE RULES
FILED WITH THE LEGISLATIVE REFERENCE SERVICE
LOUIS G. GREENE, DIRECTOR**

(Pursuant to Code of Alabama 1975, § 41-22-6, as amended).

I do hereby certify that the attached is/are a correct copy/copies of rule/s as promulgated and adopted on the 27th day of March, 1990, and filed with the agency secretary on the 28 day of March 1990.

AGENCY NAME: ALABAMA STATE BOARD OF PHARMACY

_____ Amendment; XXX New; Repeal; (Mark appropriate space)

Rule No. 680-X-2-.21

(If amended rule, give specific paragraph, subparagraphs, etc., being amended)

Rule Title: MANDATORY PATIENT COUNSELING

ACTION TAKEN: State whether the rule was adopted with or without changes from the proposal due to written or oral comments;

with changes

**NOTICE OF INTENDED ACTION PUBLISHED IN VOLUME VIII,
ISSUE NO. 3, AAM, DATED 29 December, 1989.****Statutory Rulemaking Authority: Section 34-23-92 Code of Alabama 1975****MITZI G. ELLENBURG
Certifying Officer
or his Deputy****Rec'd & Filed Legislative Ref Service May 30, 1990 #419**

(NOTE: In accordance with § 41-22-6(b), as amended, a proposed rule must be certified within 90 days after completion of the notice, but excluding any rule under review by the committee).

RULES OF ALABAMA STATE BOARD OF PHARMACY**CHAPTER 680-X-2
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680-X-2-.07	Mail Order Prescriptions
680-X-2-.08	Pharmacist Consultants of Pharmaceutical Services
680-X-2-.09	Training for Preceptors
680-X-2-.10	Reporting Place of Employment, Interns & Externs
680-X-2-.11	Partitioning/Separate Entrance
680-X-2-.12	Supervising Pharmacist
680-X-2-.13	Prescription Labels
680-X-2-.14	The Role of Ancillary Personnel in Pharmacies in Alabama
680-X-2-.15	Use of Computers for Record-Keeping in Pharmacies in Alabama
680-X-2-.16	Practical Training Program Standards
680-X-2-.17	Reciprocity
680-X-2-.18	Hospital Pharmacies
680-X-2-.19	Parenteral Therapy
680-X-2-.20	Nuclear Pharmacy
680-X-2-.21	Mandatory Patient Counseling

680-X-2-.21 MANDATORY PATIENT COUNSELING

(1) Pharmacists, because of their strategic position in the health care system, have traditionally provided drug information to other health care professionals

and to their patients. In the best interest of the public health, the pharmacist shall, routinely, counsel their patients and review their medication profile with every new prescription dispensed to improve patient understanding and compliance.

(2) Pharmacists in community practice settings shall give an oral consultation with every new prescription dispensed, either to the patient or his representative. If neither is available, the pharmacist shall make known the fact that a consultation is available and how he/she may be reached.

(3) Pharmacists in institutional settings shall give an oral consultation with every new prescription dispensed to a home-bound patient, either to the patient or his representative. If neither is available, the pharmacist shall make known the fact that a consultation is available and how he/she may be reached.

(4) All prescription consultations shall include at least, a discussion of directions for usage, proper dosage scheduling and appropriate warnings, if any.

(5) Supervising pharmacists/directors shall be responsible to the Board for the provision of the rule.

Author:	James W. McLane, Executive Secretary
Statutory Authority:	Section 34-23-92 Code of Alabama 1975
Original rule filed:	29 December 1989
Amended:	28 March 1990
Effective:	01 August 1990.

The resolution, H.J.R. 42, was read and referred to the Standing Committee on Rules.

Also:

By Representative Campbell:

H.J.R. 43. SUSTAINING THE DISAPPROVAL BY THE JOINT COMMITTEE ON ADMINISTRATIVE REGULATION REVIEW OF THE ALABAMA STATE BOARD OF PHARMACY'S PROPOSED NEW RULE 680-X-2-.22, CODE OF PROFESSIONAL CONDUCT.

WHEREAS, on December 18, 1989, the Alabama State Board of Pharmacy filed "Notice of Intended Action" of a proposed new rule 680-X-2-.22, Code of Professional Conduct, a copy of which is attached hereto and made a part hereof. The notice appeared on page 60 of the December 29, 1989 Alabama Administrative Monthly and was the subject of review at the February 21, 1990 meeting of the Joint Committee on Administrative Regulation Review; and

WHEREAS, after hearing from interested persons, the Joint Committee, in accordance with Section 41-22-23(d), Code of Alabama 1975, approved the Alabama State Board of Pharmacy's request of withdrawal of said proposed rule; and

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WHEREAS, on May 30, 1990, the Alabama State Board of Pharmacy, pursuant to Section 41-22-23(d), Code of Alabama 1975, returned said proposed rule with modifications, and said modified rule was the subject of review at the July 17, 1990 meeting of the Joint Committee on Administrative Regulation Review; and

WHEREAS, after hearing from interested persons, the Joint Committee, in accordance with Section 41-22-23(b), Code of Alabama 1975, disapproved the modified rule; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That the disapproval of the said Alabama State Board of Pharmacy's proposed modified rule 680-X-2-.22, Code of Professional Conduct, by the Joint Committee on Administrative Regulation Review, is hereby sustained.

MODIFIED RULE FILED ON MAY 30, 1990

**CERTIFICATION OF ADMINISTRATIVE RULES
FILED WITH THE LEGISLATIVE REFERENCE SERVICE
LOUIS G. GREENE, DIRECTOR**

(Pursuant to Code of Alabama 1975, § 41-22-6, as amended).

I do hereby certify that the attached is/are a correct copy/copies of rule/s as promulgated and adopted on the 27th day of March, 1990, and filed with the agency secretary on the 28th day of March 1990.

AGENCY NAME: ALABAMA STATE BOARD OF PHARMACY

___ Amendment; XXX New; ___ Repeal; (Mark appropriate space)

Rule No. 680-X-2-.22

(If amended rule, give specific paragraph, subparagraphs, etc., being amended)

Rule Title: CODE OF PROFESSIONAL CONDUCT

ACTION TAKEN: State whether the rule was adopted with or without changes from the proposal due to written or oral comments;

with changes

NOTICE OF INTENDED ACTION PUBLISHED IN VOLUME VIII,

ISSUE NO. 3, AAM, DATED 29 December, 1989.

Statutory Rulemaking Authority: Section 34-23-92 Code of Alabama 1975

MITZI G. ELLENBURG
Certifying Officer or his Deputy

Rec'd & Filed Legislative Ref Service May 1990 # 420

(NOTE: In accordance with § 41-22-6(b), as amended, a proposed rule must be certified within 90 days after completion of the notice, but excluding any rule under review by the committee).

RULES OF ALABAMA STATE BOARD OF PHARMACY

CHAPTER 680-X-2 PRACTICE OF PHARMACY

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680-X-2-.20	Nuclear Pharmacy
680-X-2-.21	Mandatory Patient Counseling
680-X-2-.22	Code of Professional Conduct

680-X-2-.22 CODE OF PROFESSIONAL CONDUCT

(1) Pharmacists are expected to conduct themselves in a professional manner at all times. The following code provides principles of professional conduct for pharmacists to guide them in their relationship with patients, fellow practitioners, other health professionals and the public.

(2) Violations of any provisions of this rule shall be deemed grounds for disciplinary action whenever the Board shall find a preponderance of evidence to such violations.

(a) A pharmacist should hold the health and safety of patients to be of first consideration and should render to each patient the full measure of professional ability as an essential health practitioner.

(b) A pharmacist should never knowingly condone the dispensing, promoting, or distributing of drugs or medical devices, or assist therein, that are not of good quality, that do not meet standards required by law, or that lack therapeutic value for the patient.

(c) A pharmacist should always strive to perfect and enlarge professional knowledge. A pharmacist should utilize and make available this knowledge as may be required in accordance with the best professional judgment.

(d) A pharmacist has the duty to observe the law, to uphold the dignity and honor of the profession, and to accept its ethical principles. A pharmacist should not engage in any activity that will bring discredit to the profession and should expose, without fear or favor, illegal or unethical conduct in the profession.

(e) A pharmacist should respect the confidential and personal nature of professional records; except where the best interest of the patient requires or the law demands, a pharmacist should not disclose such information to anyone without proper patient authorization.

(f) A pharmacist should not agree to practice under terms or conditions that interfere with or impair the proper exercise of professional judgment and skill, that cause a deterioration of the quality of professional services, or that require consent to unethical conduct.

(g) A pharmacist should strive to provide information to patients regarding professional services truthfully, accurately, and fully and should avoid misleading patients regarding the nature, cost or value of these professional services.

Author:	James W. McLane, Executive Secretary
Statutory Authority:	Section 34-23-92 Code of Alabama 1975
Original rule filed:	29 December 1989
Amended:	28 March 1990
Effective:	01 August 1990

ORIGINAL PROPOSED RULE
WITHDRAWN BY LEAVE OF THE
COMMITTEE ON FEBRUARY 21, 1990.

TRANSMITTAL SHEET
FOR
NOTICE OF INTENDED ACTION

ALABAMA STATE
BOARD OF PHARMACY; Control No. **680**; Statutory Authority **34-23-92**

Rule No. **680-X-2-22**; Rule Title **CODE OF PROFESSIONAL CONDUCT**

XXX New Rule; _____ Amendment; _____ Repeal; _____ Adoption by Ref.

Would the absence of the rule significantly harm or endanger the public health, welfare, or safety?

YES

Is there a reasonable relationship between the state's police power and the protection of the public health, safety, or welfare?

YES

Is there another, less restrictive method of regulation available that could adequately protect the public?

NO

Does the rule have the effect of directly or indirectly increasing the costs of any goods or services involved and, if so, to what degree?

NO

Is the increase in cost, if any, more harmful to the public than the harm that might result from the absence of the rule?

N/A

Are all facets of the rulemaking process designed solely for the purpose of, and so they have, as their primary effect, the protection of the public?

YES

Certification of Authorized Official

I certify that the attached rule has been proposed in full compliance with the requirements of Act No. 81-855 and that it conforms to all applicable Alabama Administrative Procedure Division filing requirements.

MITZI G. ELLENBURG
Signature of certifying officer
or his deputy

15 December 1989
Date

For APD Use Only

Published in Volume VIII, Issue No. 3 Administrative Monthly

Edited and approved by _____

Document No. 137

Rec'd & Filed Legislative Ref Service Dec 18, 1989

**ALABAMA STATE BOARD OF PHARMACY
Notice of Rulemaking Hearing**

Rule No. 680-X-2-.22

Title of Rule: CODE OF PROFESSIONAL CONDUCT

The Alabama State Board of Pharmacy proposes to adopt a new rule dealing with the standards of practice for pharmacists in a Code of Professional Conduct. This rule is in response to a legislative act specifying a Code of Professional Conduct adopted by the Board in its rules. This proposal was deemed necessary in the public interest.

Interested persons may present their views in writing to the Secretary of the Alabama State Board of Pharmacy at any time during a thirty-five (35) day period following December 31, 1989, or, if requested in advance by personally appearing at a Public Hearing to be held beginning at 10:00 A.M. on February 6, 1990, at:

Board of Pharmacy
Conference Room
1 Perimeter Park South
Suite 425 South
Birmingham, Alabama 35243

Anyone interested in obtaining a copy of the rule proposed herein, may contact James W. McLane, Secretary, Alabama State Board of Pharmacy at the address above or by telephone (205) 967-0130.

Any request for oral presentation should be submitted by letter to the Board of Pharmacy address at least three (3) days prior to the hearing.

RULES OF ALABAMA STATE BOARD OF PHARMACY

**CHAPTER 680-X-2
PRACTICE OF PHARMACY**

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680-X-2-.21	Patient Counseling and Drug Utilization Review
680-X-2-.22	Code of Professional Conduct

James W. McLane, Executive Secretary

**ALABAMA STATE BOARD OF PHARMACY
RULE NUMBER 680-X-2**

680-X-2-.22 CODE OF PROFESSIONAL CONDUCT

(1) Pharmacists are expected to conduct themselves in a professional manner at all times. The following code provides principles of professional conduct for pharmacists to guide them in their relationship with patients, fellow practitioners, other health professionals and the public.

(2) Violations of any provisions of this rule shall be deemed grounds for disciplinary action whenever the Board shall find a preponderance of evidence to such violations.

(a) A pharmacist should hold the health and safety of patients to be of first consideration and should render to each patient the full measure of professional ability as an essential health practitioner.

(b) A pharmacist should never knowingly condone the dispensing, promoting, or distributing of drugs or medical devices, or assist therein, that are not of good quality, that do not meet standards required by law, or that lack therapeutic value for the patient.

(c) A pharmacist should always strive to perfect and enlarge professional knowledge. A pharmacist should utilize and make available this knowledge as may be required in accordance with the best professional judgment.

(d) A pharmacist has the duty to observe the law, to uphold the dignity and honor of the profession, and to accept its ethical principles. A pharmacist should not engage in any activity that will bring discredit to the profession and should expose, without fear or favor, illegal or unethical conduct in the profession.

(e) A pharmacist should seek at all times only fair and reasonable remuneration for professional services. A pharmacist should never agree to, or participate in, transactions with practitioners of other health professions or any

other person under which fees are divided or that may cause financial or other exploitation in connection with the rendering of professional services.

(f) A pharmacist should respect the confidential and personal nature of professional records; except where the best interest of the patient requires or the law demands, a pharmacist should not disclose such information to anyone without proper patient authorization.

(g) A pharmacist should not agree to practice under terms or conditions that interfere with or impair the proper exercise of professional judgement and skill, that cause a deterioration of the quality of professional services, or that require consent to unethical conduct.

(h) A pharmacist should strive to provide information to patients regarding professional services truthfully, accurately, and fully and should avoid misleading patients regarding the nature, cost or value of these professional services.

(i) A pharmacist should associate with organizations having for their objective the betterment of the profession of pharmacy and should contribute time and funds to carry on the work of these organizations.

Statutory Authority: Section 34-23-92 Code of Alabama 1975

The resolution, H.J.R. 43, was read and referred to the Standing Committee on Rules.

Also:

By Representative Harper:

H.J.R. 44. PROVIDING FOR REIMBURSEMENT OF EXPENSES INCURRED BY CERTAIN MEMBERS THAT ATTENDED THE 1991 LEGISLATIVE BUDGET HEARINGS.

WHEREAS, Senate Joint Resolution 9 passed by both houses of the Legislature in the 1991 Organizational Session and which provided for the continuation of the Joint Interim Committee on Finances and Budgets was subsequently pocket-vetoed by the Governor; and

WHEREAS, the Legislature has a constitutional duty to appropriate state funds and legislative budget hearings are a vital part of that appropriation process; and

WHEREAS, it was decided to proceed with previously scheduled legislative budget hearings; and

WHEREAS, expenses of members of the Joint Fiscal Committee, the Legislative Council and the Joint Continuing Committee to Study the Tax

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Structure of the State of Alabama were paid through those committees for their attendance at legislative budget hearings: now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That such additional House members as appointed by the Speaker of the House of Representatives and such additional Senate members as appointed by the Lieutenant Governor of the State of Alabama shall, in addition to any other expense allowance or compensation payable by law, be reimbursed expenses for each day that member attended legislative budget hearings of \$50 per day plus 25 cents per mile for one round-trip for each week that such member attended legislative budget hearings.

BE IT FURTHER RESOLVED, That the Speaker of the House of Representatives shall certify to the Clerk of the House of Representatives and the Lieutenant Governor of the State of Alabama shall certify to the Secretary of the Senate the names of such members appointed by each official respectively and the amount of reimbursable expenses due each member. Said reimbursement for expenses shall be payable from any funds appropriated to the Legislature and shall be paid to each member as soon as practical after certification by the appointing official.

On motion of Representative Harper, the rules were suspended and the resolution, H.J.R. 44, was adopted.

FIRST READING ON PREFILED BILLS

Bills which had been prefiled and assigned to appropriate standing committees prior to the convening of this Regular Session, pursuant to Joint Rule 10 of the two Houses of the Legislature, were introduced severally, read one time and formally referred to the same committees as follows:

By Representatives Ford, Burke, and Lindsey:

H. 1. To make further provision for the financing and construction of public roads and bridges in the state by the issuance of bonds by the Alabama highway authority; to authorize the authority to sell and issue from time to time not exceeding \$300,000,000 aggregate principal amount of highway revenue bonds in addition to those heretofore authorized to be issued by the authority; to authorize the authority to issue and sell refunding bonds to refund bonds at any time issued by the authority and at the time outstanding; to provide for the details and the method of execution of the said bonds; to provide that the authority shall determine the manner, terms and conditions of the sale or sales of the bonds, and to make provisions respecting such sale or sales and the permitted uses, applications and investments of the proceeds from the sale or sales thereof; to provide for the competitive employment of attorneys, financial advisors, accountants, registrars and paying agents in connection with the sale and issuance of the bonds and to provide penalty for intentional violation of this provision; to provide for the establishment, from such proceeds, of certain funds and for the use of such funds and any investment earnings thereon; to provide that bonds issued under this act shall not create an obligation or debt of the state and shall be

limited obligations payable solely out of the revenues of the authority pledged therefor in this act; to provide that said bonds may be used to secure deposits of funds of the state and its instrumentalities and agencies and shall be lawful for the investment of trust funds; to provide a mechanism for defeasance of said bonds; to appropriate and pledge funds necessary to pay the principal of, premium, if any, and interest on said bonds; to authorize the authority to pledge for payment of the said principal of, premium, if any, and interest on said bonds the moneys pledged in this act for such purpose; to preserve prior pledges and covenants by the state; to adopt certain provisions of the act of the legislature creating the authority; to provide for a covenant of the legislature not to reduce below certain levels appropriated and pledged taxes and fees while any of said bonds are outstanding and unpaid; to authorize the state treasurer to disburse moneys pledged for payment of said bonds; to provide that if any portion of this act is held invalid such holding shall not affect the validity of any other portion hereof; and to specify the effective date of this act.

COMMITTEE ON WAYS AND MEANS

By Representative Fuller:

H. 2. To exempt any resident of the state who is a veteran from the payment of any state fees for the issuance or renewal of a driver's license.

COMMITTEE ON MILITARY AFFAIRS

By Representatives Fuller and Newman:

H. 3. To amend the sections of the Code of Alabama, 1975, providing for the distribution of the 1 mill state ad valorem tax. To further provide for the distribution of the 1 mill tax by dedicating one-fourth of said 1 mill for use by the Board of Veterans Affairs for the care of or support of Alabama's disabled soldiers and sailors in the Veterans Home Programs.

COMMITTEE ON MILITARY AFFAIRS

By Representative Flowers:

H. 4. To amend Section 16-40-2, Code of Alabama 1975, relating to required instruction of certain subjects in the state schools, so as to provide further for the instruction of certain required subjects.

COMMITTEE ON EDUCATION

By Representative Fuller:

H. 5. To amend Sections 27-13-28 and 27-13-66, Code of Alabama 1975, which relate to the annual statistical reports of insurance companies, so as to provide that certain information shall be public record; and to provide for a fine levied and collected by the commissioner, after a special hearing, for any person who, without prior written authorization, obtains any records, data or other information, or access thereto, of an insurance company or rate organization with

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the intent to convey such records, data or information to another company or organization for the purpose of affecting rates or gaining a competitive business advantage.

COMMITTEE ON INSURANCE

By Representative Ford:

H. 6. To make an appropriation from the State General Fund to Gadsden State Community College to be used for the Tire Recycling Center in Gadsden for the fiscal year ending September 30, 1991.

COMMITTEE ON WAYS AND MEANS

By Representative Holley:

H. 7. To amend Section 22-14-5, Code of Alabama 1975, as amended, relating to the composition of the radiation advisory board, so as to include the appointment of a veterinarian; and to provide for the manner of such appointment.

COMMITTEE ON HEALTH

By Representative Grayson:

H. 8. To authorize Alabama Public School and College Authority to sell and issue sixty-five million dollars (\$65,000,000) aggregate principal amount of educational bonds for capital improvements for Alabama Agricultural and Mechanical University, Normal, Alabama, for educational purposes, including libraries, laboratories, physical education facilities, research facilities and acquisition of land; to provide for the details of the bonds and for the terms of sale thereof; to make an appropriation and pledge for payment of the principal of and interest on the bonds of proceeds from specified excise taxes to the extent necessary to pay the principal and interest at their respective maturities; to authorize the Authority to pledge for payment of the principal of and interest on the bonds the monies so appropriated and pledged; to provide that the bonds shall be limited obligations of the Authority payable solely out of the funds so appropriated and pledged and will not create a debt or obligation of the state; to provide that the bonds and the income therefrom shall be exempt from taxation in this state and the bonds may be used to secure deposits of funds of this state and its political subdivisions, instrumentalities and agencies, and for investment of fiduciary funds; to exempt the Authority and the bonds from the usury laws; to authorize the issuance by the Authority of refunding bonds for the purpose of refunding the principal and interest of any then outstanding bonds theretofore issued by the Authority and the expenses of such refunding and any premiums necessary to retire those so refunded; to provide that after payment of the expenses of the issuance of the bonds the proceeds from the sale thereof shall be disbursed on orders or warrants issued by or under the direction of the Authority for the purposes for which the bonds are authorized to be issued; and to provide that if any portion of this act should be held invalid such holding shall not affect the validity of any other portion thereof.

COMMITTEE ON WAYS AND MEANS

By Representative Newman (With Notice and Proof):

H. 9. Relating to Lamar County; repealing Act No. 81-629, H. 873, Regular Session 1981 (Acts 1981, p. 1046) entitled "An Act Relating to Lamar County; to establish a special fund in the county treasury to pay a bounty on beaver trapped or killed in Lamar County; to provide for the administration of said fund and bounty system."

COMMITTEE ON LOCAL LEGISLATION NO. 1

I HEREBY CERTIFY THAT THE NOTICE & PROOF IS ATTACHED TO THE BILL, H. 9, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON, CLERK

By Representative Williams:

H. 10. Providing that certain personnel employed by the state Alcoholic Beverage Control Board shall be considered as active members of the state policeman's retirement system retroactive to their original dates of employment by such board for purposes of determining their state retirement benefits; providing that such personnel shall be eligible for such benefits to the same extent as other members under such system, and providing that the additional cost of such credited service shall be paid by the Alcoholic Beverage Control Board.

COMMITTEE ON WAYS AND MEANS

By Representative Carter:

H. 11. Relating to Athens State College; to repeal Act No. 81-153, S. 392, Regular Session, 1981 (Acts 1981, p. 176), which consolidated the administration of Athens State College and John C. Calhoun Community College; to re-establish two autonomous administrations; and to provide for the appointment of presidents of the colleges, the jurisdictions and operations.

COMMITTEE ON EDUCATION

By Representative Mathis (With Notice and Proof):

H. 12. Relating to Geneva County, to require the county governing body to levy an annual license tax and registration fee on certain motor vehicles; to provide for the collection, administration and enforcement of said tax and fees and the distribution of the proceeds of said tax and fees; to provide for certain exemptions; and to condition the operation of said act upon the adoption of a local constitutional amendment and approval of this act by the voters at a referendum provided for herein.

COMMITTEE ON LOCAL LEGISLATION NO. 1

I HEREBY CERTIFY THAT THE NOTICE & PROOF IS ATTACHED TO THE BILL, H. 12, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON, CLERK

By Representative Mathis (With Notice and Proof):

H. 13. Relating to Geneva County; providing for the mode of establishing the construction, maintenance and repair of public roads, highways, bridges and ferries under the county unit system; authorizing and requiring the county governing body to employ and regulate the compensation of a county engineer; providing for the manner of selecting said engineer; prescribing his qualifications and requiring bond; defining his authority, powers and duties and those of the county governing body in relation to the roads, bridges and ferries of Geneva County; providing for an advisory referendum called for such purpose; and providing for an effective date.

COMMITTEE ON LOCAL LEGISLATION NO. 1

I HEREBY CERTIFY THAT THE NOTICE & PROOF IS ATTACHED TO THE BILL, H. 13, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON, CLERK

By Representative Mathis (With Notice and Proof):

H. 14. To propose a constitutional amendment relating to Geneva County, providing that the legislature may by local law: 1) require or authorize the county governing body to levy, administer, collect and enforce additional county license taxes and registration fees on motor vehicles; 2) provide for the distribution of the proceeds of said taxes and fees; and 3) provide for certain exemptions.

COMMITTEE ON LOCAL LEGISLATION NO. 1

The above bill was read a first time at length as required by the Constitution.

I HEREBY CERTIFY THAT THE NOTICE & PROOF IS ATTACHED TO THE BILL, H. 14, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON, CLERK

By Representatives Millican, Hogan, and Cagle:

H. 15. To prohibit the stocking of certain striped bass into the Lewis Smith Dam Reservoir.

**COMMITTEE ON AGRICULTURE, FORESTRY
AND NATURAL RESOURCES**

By Representative Fuller:

H. 16. To permit the Commissioner of Insurance to levy a civil penalty of not more than \$25,000.00 for violations of the Insurance Code following an administrative hearing.

COMMITTEE ON INSURANCE

By Representative Fuller:

H. 17. To require the Commissioner of Insurance to annually report to the Legislature the effect of the enactment of "tort reform" statutes on insurance rates.

COMMITTEE ON INSURANCE

By Representative Fuller:

H. 18. To create the position of insurance consumer advocate; to provide for the appointment, qualifications, and compensation of the insurance consumer advocate; to provide for annual review by committees of the Senate and the House of Representatives; to restrict a person formerly employed as insurance consumer advocate from direct or indirect employment by an insurance company for a certain time period; to prohibit a person employed as insurance consumer advocate from holding a state or local elected office; to provide penalties; to provide for the powers, duties, and responsibilities of the insurance consumer advocate; to provide for serving notice on the insurance consumer advocate by the Commissioner of Insurance; and to provide for staff, employees, and the use of technical assistants.

COMMITTEE ON INSURANCE

By Representative Cagle:

H. 19. To provide that all state-owned lands that are now, or have been, leased or subject to lease by private parties for hunting purposes shall be open for public hunting when present leases expire.

WHEREAS, all of the citizens of this great state own public lands; and

WHEREAS, there have been instances in the past and at the present where private parties have been granted exclusive hunting right leases on public lands; and

WHEREAS, it is only right and fair that all the citizens of this great state share the right to hunt on the land that they own; now therefore,

COMMITTEE ON AGRICULTURE, FORESTRY
AND NATURAL RESOURCES

By Representative Buskey (JL):

H. 20. To amend Section 41-4-113 of the Code of Alabama 1975, relating to

the department of finance's procedures for obtaining supplies or materials for state departments, so as to provide further for such procedures.

COMMITTEE ON WAYS AND MEANS

By Representative Buskey (JL):

H. 21. To amend Section 41-16-24 of the Code of Alabama 1975, relating to bids on public contracts, so as to provide for trade-in value to be credited against cost of certain replacement property.

COMMITTEE ON WAYS AND MEANS

By Representatives Fuller and Harper:

H. 22. To provide for extending the period for filing Alabama individual income tax returns, without interest or penalty, establishing the effective period for exempted income of military and support personnel deployed in Operation Desert Shield or Desert Storm; provide similar benefits to spouses, missing personnel and those persons hospitalized inside or outside the United States; waive tax liabilities for individuals who die as a result of Desert Storm service; provide for rulemaking authority for the Department of Revenue; and to establish an effective date.

COMMITTEE ON WAYS AND MEANS

By Representative Fuller:

H. 23. To provide for registered nurses in the public schools.

COMMITTEE ON WAYS AND MEANS

By Representative Fuller:

H. 24. To amend Section 6-5-332.1, Code of Alabama 1975, relating to immunity from liability for certain persons assisting in mitigating the effects of a hazardous waste discharge, so as to include members of emergency planning groups within such immunity.

**COMMITTEE ON COMMERCE,
TRANSPORTATION AND UTILITIES**

By Representative Fuller:

H. 25. To amend Section 36-21-70 of the Code of Alabama 1975, relating to the Peace Officers' Annuity and Benefit Fund so as to allow retirement upon completion of 25 years of qualified service, regardless of age, and to make the provisions of this act retroactive.

COMMITTEE ON WAYS AND MEANS

By Representative Fuller:

H. 26. Relating to law enforcement officers; providing for certain rights and privileges of law enforcement officers; providing for the receipt and processing of complaints; providing for enforcement of this act; and providing for certain civil suits by law enforcement officers.

COMMITTEE ON STATE ADMINISTRATION

By Representative Fuller:

H. 27. To amend Sections 12-19-171, 12-19-172, 12-19-175, 12-19-178 and 12-19-179, Code of Alabama 1975, so as to increase certain fees in traffic infraction and misdemeanor cases in district and circuit court and to provide for the distribution of the fee increase.

COMMITTEE ON JUDICIARY

By Representative Fuller:

H. 28. To amend Section 32-5A-191, Code of Alabama 1975, relating to the offense of driving while under the influence of alcohol or controlled substances, so as to provide additional penalty for first convictions.

COMMITTEE ON JUDICIARY

By Representatives Gaines and Carns:

H. 29. To provide a means whereby any insurer organized under the laws of any other state may become a domestic insurer; to provide a means for any domestic insurer to transfer its domicile to another state; and to provide a means for the continuation of a certificate of authority and other approvals pertaining to any foreign insurer which transfers its corporate domicile to another state by merger or consolidation or any other lawful method.

COMMITTEE ON INSURANCE

By Representative Richardson:

H. 30. To amend Section 32-8-87 of the Code of Alabama 1975, relating to the Motor Vehicle Uniform Certificate of Title and Antitheft Act, so as to provide that the application fee for inspection of a restored vehicle shall be \$25.00.

COMMITTEE ON WAYS AND MEANS

By Representative Richardson:

H. 31. Requiring operators of retail gasoline or diesel fuel stations in Alabama to pump the gas or fuel into motor vehicles for handicapped persons at self-serve prices.

COMMITTEE ON HEALTH

By Representative Richardson:

H. 32. To amend Section 40-12-414 of the Code of Alabama 1975, relating to proof of financial responsibility upon application for a license for an automotive dismantler's and parts recycler's license, so as to require a net worth of not less than \$25,000.00 of which not less than \$12,500.00 is to consist of real estate in the applicant's name.

COMMITTEE ON WAYS AND MEANS

By Representative Richardson:

H. 33. To amend Section 37-3-4, Code of Alabama 1975, so as to include certain motor carriers who transport certain property in open-top dump vehicles to the exemptions contained therein.

**COMMITTEE ON COMMERCE,
TRANSPORTATION AND UTILITIES**

By Representatives Petelos, Gaines, Buskey (JL), Sanderson, McDowell, Thomas, McClain, Spratt, Curry, and Box:

H. 34. To provide for a community corrections plan and procedure as an alternative to incarceration for eligible offenders who have been convicted of a nonviolent felony offense; to provide for local community corrections advisory boards in the judicial circuits and counties to adopt a local community corrections plan and qualify for receipt of grants and funding; to provide for the establishment of such alternative plans and programs by resolution of county commissions whereby state funds may be granted to and contracted with or through local governments and qualified nonprofit, human service agencies and entities to provide planning, treatment, guidance, training or other rehabilitation services and programs; to provide for cooperation with the department of corrections; and to provide for discretion of the trial judge in sentencing and revocation of sentencing to such alternative corrections programs.

COMMITTEE ON JUDICIARY

By Representatives Petelos and Gaines:

H. 35. To amend Section 13A-12-231, Code of Alabama 1975, which provides for the offense of trafficking in illegal drugs, so as to include amphetamine and methamphetamine within the offense.

COMMITTEE ON JUDICIARY

By Representative McDaniel:

H. 36. To further amend Section 40-9-12, Code of Alabama, 1975, as last amended so as to provide exemptions of all real and personal property of Alabama Goodwill Industries, Inc., Goodwill Industries of Mobile Area, Inc. and Goodwill Industries of Central Alabama, Inc. from the payment of any and all

state, county and municipal taxes, licenses, fees and charges of any nature whatsoever, including any privilege or excise tax heretofore or hereafter levied by the state of Alabama or any county or municipality thereof.

COMMITTEE ON SMALL BUSINESS

By Representatives Haynes and Johnson:

H. 37. To amend Section 21-1-2 of the Code of Alabama 1975, relating to the Alabama Institute for Deaf and Blind so as to provide that no member of the board of trustees shall receive compensation for serving; and to provide that said board of trustee members shall receive reimbursement for reasonable expenses incurred in attending meetings and performing duties.

COMMITTEE ON STATE ADMINISTRATION

By Representatives Haynes and Johnson:

H. 38. To amend Section 40-17-220, Code of Alabama 1975, to provide that purchases of gasoline, motor fuel and lubricating oil by the Alabama Institute for Deaf and Blind and by the department of youth services school district shall be exempt from taxation under the levy provided for in said section.

COMMITTEE ON WAYS AND MEANS

By Representatives Haynes and Johnson:

H. 39. Relating to the Alabama Institute for Deaf and Blind; to provide that the sale or disposal of tangible personal property or standing timber shall be let by competitive public auction or sealed bids; to provide for notice and inspection; to provide for re-advertisement and sale or a negotiated sale in the event bids were inadequate; to provide for the disposition of the proceeds and the continuous appropriation of same; to provide for civil and criminal penalties; and to provide for retroactive effect and validation.

COMMITTEE ON STATE ADMINISTRATION

By Representative Hammett (With Notice and Proof):

H. 40. Relating to Covington County; to prohibit the placing of political signs, markers and advertising, on county controlled highways except for those signs or markers placed by or under the authority of the county.

COMMITTEE ON LOCAL LEGISLATION NO. 1

I HEREBY CERTIFY THAT THE NOTICE & PROOF IS ATTACHED TO THE BILL, H. 40, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON, CLERK

By Representative Hogan:

H. 41. To establish certain due process rights for persons under investigation by the department of human resources for alleged child abuse and/or neglect.

COMMITTEE ON JUDICIARY

By Representative McKee:

H. 42. To provide that appeals from death sentence cases and from post conviction writs involving such cases shall be directly to the Alabama Supreme Court; to amend Sections 12-3-9 and 13A-5-53, Code of Alabama 1975; and to provide that the Alabama Supreme Court shall amend the Alabama Rules of Appellate Procedure to accommodate and reflect the provisions of this act.

COMMITTEE ON JUDICIARY

By Representative Curry (With Notice and Proof):

H. 43. Relating to the City of Birmingham in Jefferson County; to amend Act No. 929, 1951 Regular Session, as extensively amended by Act No. 1272, 1973 Regular Session, and other amendatory acts, relating to loans to participants and retirees of Class 1 municipalities which are covered by a pension and relief or retirement and relief system for municipal officers and employees, so as to provide that participant's or retiree's loans shall be repaid in a period of sixty (60) months or less from the date of such loan and to provide further for the interest charged on such loans.

COMMITTEE ON LOCAL LEGISLATION NO. 2

I HEREBY CERTIFY THAT THE NOTICE & PROOF IS ATTACHED TO THE BILL, H. 43, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON, CLERK

By Representative Curry (With Notice and Proof):

H. 44. Relating to the City of Birmingham in Jefferson County, to further amend Act No. 929, 1951 Regular Session and as extensively amended by Act No. 1272, 1973 Regular Session which created a Retirement and Relief System for officers and employees of Class 1 Municipalities, so as to provide further for a member appointed by the city council and a retired member elected by the retired members in the system to serve as members of the board of managers of the City of Birmingham Retirement and Relief System; to provide further for a quorum of the board; to provide additional compensation for members of the board; and to provide further for the filing of reports and records which shall be public records subject to inspection.

COMMITTEE ON LOCAL LEGISLATION NO. 2

I HEREBY CERTIFY THAT THE NOTICE & PROOF IS ATTACHED TO

**THE BILL, H. 44, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA,
1975 ACT NO. 919.**

JOHN W. PEMBERTON, CLERK

By Representative Barnes:

H. 45. Relating to the 10th Judicial Circuit, to create and establish additional offices of circuit and district judges and to provide for the employment of court personnel.

COMMITTEE ON WAYS AND MEANS

By Representative Barnes:

H. 46. To amend Sections 12-15-56 and 26-14-6 of the Code of Alabama 1975, relating to taking certain children into protective custody, so as to require a hearing prior to taking a child from his parents, foster parents, legal guardian or custodian in certain instances, to alter the instances when a child may be taken into custody without a hearing, to provide for said hearing, and to provide that a parent, foster parent, legal guardian or custodian shall have a civil cause of action for damages and attorney fees against a person who offers or provides in certain child-protection proceedings, a false or unsubstantiated affidavit, statement, petition or testimony regarding said person.

COMMITTEE ON JUDICIARY

By Representative Barnes:

H. 47. Requiring individuals, firms, corporations, partnerships and associations currently doing business in Alabama or expecting to do business in Alabama to disclose to the secretary of state for public record the nature and substance of any business they are currently doing with the countries of Iraq and South Africa or with any national or international businesses domiciled in such countries; to empower the secretary of state to promulgate and implement administrative rules and procedures under the state administrative procedures act to carry out the purpose of this act and to prescribe civil and criminal penalties for violations of this act.

COMMITTEE ON JUDICIARY

By Representative Barnes:

H. 48. To provide that certain interested parties of a deceased person may demand certain banking and financial organizations specify whether said organizations maintain a deposit in the name of said deceased person and to provide that the banking or financial organization shall be liable for certain damages for failure to disclose the information.

COMMITTEE ON JUDICIARY

By Representative Barnes:

H. 49. To authorize parents, foster parents, custodial parents, legal guardians, teachers, principals, guidance counselors, guidance advisors and attendance officers to administer corporal punishment to their respective child, ward or pupil and to provide said persons shall be immune from civil and criminal liability.

COMMITTEE ON JUDICIARY

By Representative Barnes:

H. 50. Relating to child support, so as to provide that in determining the amount of child support to be paid, a deduction from gross income for "imputed preexisting child support obligations" shall be made; to provide said deduction shall also be made in certain support modification proceedings; to provide that a child who is not the subject of a child support determination, but whose parent is a party of said determination, shall have an unconditional right to intervene in said action to seek a modification of the amount of his child support; and to provide that the modification shall be based on the same criteria as is used to determine the amount of child support to be paid the child who is the subject of the child support determination.

COMMITTEE ON JUDICIARY

By Representative Flowers:

H. 51. To exempt the Alabama Baptist Children's Homes from the payment of all state, county and municipal sales and use taxes.

COMMITTEE ON WAYS AND MEANS

INTRODUCTION OF BILLS

Upon a call of Districts, bills were introduced, severally read one time and referred to appropriate standing committees as follows:

By Representative Holley:

H. 52. To amend Sections 32-6-290, 32-6-291 and 32-6-292, Code of Alabama 1975, relating to the issuance of distinctive "retired military" motor vehicle license plates by certain qualified military retirees, so as to authorize the surviving spouse of a deceased military retiree to purchase such license plates.

COMMITTEE ON MILITARY AFFAIRS

By Representative Holley:

H. 53. To amend Section 9-11-236, Code of Alabama 1975, as last amended, relating to the hunting, taking, catching, capturing, or killing of, or the possession

of, certain protected birds or animals during closed hunting season, so as to further prohibit the possession thereof; to provide for certain specific prohibitions and penalties relating to hunting, taking, catching, capturing, killing, or the possession of, wild turkey; and to expressly repeal Section 9-11-239, Code of Alabama 1975, relating to the hunting, pursuit, capture, or killing of certain wild turkey and deer.

COMMITTEE ON AGRICULTURE, FORESTRY AND NATURAL RESOURCES

By Representative Holley:

H. 54. To amend section 31-2-13, Code of Alabama 1975, relating to paid leave of absence for military duty for up to 21 working days per year, so as to authorize public and private employers to extend paid leave and benefits for its employees beyond said 21 day limit, and to retroactively validate and authorize any such action taken by an employer on or after October 1, 1990, by making the effective date of this act retroactive to October 1, 1990.

COMMITTEE ON MILITARY AFFAIRS

By Representative Holley:

H. 55. To exempt certain rescue service organizations operating within the State of Alabama from all state, county and municipal sales and use taxes.

COMMITTEE ON WAYS AND MEANS

By Representative Holley:

H. 56. To exempt certain rescue service organizations operating within the State of Alabama from all state, county and municipal sales and use taxes.

COMMITTEE ON WAYS AND MEANS

By Representative Buskey (JE):

H. 57. To amend Section 27-8-10, Code of Alabama 1975 so as to reduce the waiting period for a person who has failed to pass two examinations for licensing as a life or disability insurance agent; to reduce said waiting period for a person being examined for licensing as a property and casualty agent pursuant to Section 27-7-10, Code of Alabama 1975; and to expressly repeal Section 27-7-16, Code of Alabama 1975.

COMMITTEE ON INSURANCE

By Representative Buskey (JE):

H. 58. To amend Section 17-7-18, Code of Alabama 1975, relating to the proximity of certain persons to polling places, so as to change the restricted area from 30 feet of the polling place to 100 feet.

COMMITTEE ON CONSTITUTION AND ELECTIONS

By Representative White (With Notice and Proof):

H. 59. This bill amends Act No. 612, H. B. 1141, 1978 Regular Session, (Acts 1978, p. 869), relating to the creation of the Industrial Development Authority of Escambia County, so as to provide for additions to the membership of the Authority.

COMMITTEE ON LOCAL LEGISLATION NO. 1

I HEREBY CERTIFY THAT THE NOTICE & PROOF IS ATTACHED TO THE BILL, H. 59, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON, CLERK

By Representative White (With Notice and Proof):

H. 60. Relating to Escambia County; providing further for expense allowances for the chairman and associate commissioners of the county commission to be paid from the county general fund and expiration date therefor and providing for a certain monthly salary for such chairman and associate commissioners to be effective after the next election with such salary to be in lieu of all salaries and expense allowances heretofore provided by law for such chairman and associate commissioners of the county commission.

COMMITTEE ON LOCAL LEGISLATION NO. 1

I HEREBY CERTIFY THAT THE NOTICE & PROOF IS ATTACHED TO THE BILL, H. 60, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON, CLERK

By Representative White (With Notice and Proof):

H. 61. Relating to Escambia County; to provide further for the compensation and expense allowance of certain county officials effective October 1, 1991.

COMMITTEE ON LOCAL LEGISLATION NO. 1

I HEREBY CERTIFY THAT THE NOTICE & PROOF IS ATTACHED TO THE BILL, H. 61, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON, CLERK

By Representatives White and Cosby:

H. 62. To make a supplemental appropriation from the State General Fund for the sum of seven hundred ninety-eight thousand dollars (\$798,000) to the Alabama Military Department for capital outlay for the fiscal year ending September 30, 1991, for the construction of armory facilities at Brewton and Selma.

COMMITTEE ON WAYS AND MEANS

By Representative White:

H. 63. Proposing a constitutional amendment to the Constitution of Alabama of 1901, relating to the distribution of oil and gas severance tax revenues in Escambia County, pursuant to Amendment 425 to the Constitution of Alabama of 1901.

COMMITTEE ON LOCAL LEGISLATION NO. 1

The above bill was read a first time at length as required by the Constitution.

By Representative White:

H. 64. To amend Section 9-17-33 of the Code of Alabama 1975, as amended, relating to the disposition of proceeds or royalties from the sale of oil or gas production, penalties for violations and judicial jurisdiction, so as to further provide therefor and for payment information requirements to interest owners; to provide for definitions for the section and exceptions; and to provide an effective date.

COMMITTEE ON OIL AND GAS

By Representative White:

H. 65. To protect consumers from purchasing unnecessary service for certain merchandise by providing for either certain proration of the costs of service contracts on merchandise that is warranted by its manufacturer, or for extension of such service contracts by the number of days that such merchandise is initially covered by the manufacturer's warranty.

**COMMITTEE ON COMMERCE,
TRANSPORTATION AND UTILITIES**

By Representative Butler:

H. 66. To amend Section 31-2-13, Code of Alabama 1975, regarding paid leave for military service for up to 21 working days per year; so as to authorize certain public employers, in their discretion, to extend such paid benefits as herein provided for combat duty retroactive to October 1, 1990, for service in the Persian Gulf conflict or war.

COMMITTEE ON WAYS AND MEANS

By Representative Butler:

H. 67. To amend Section 13A-5-40, Code of Alabama 1975, which provides for capital offenses, so as to include murder committed while trafficking in controlled substances as a capital offense.

COMMITTEE ON JUDICIARY

By Representative Butler:

H. 68. To amend section 12-15-1, Code of Alabama 1975, which relates to juvenile proceedings, so as to further define "delinquent act."

COMMITTEE ON JUDICIARY

By Representative White:

H. 69. To amend Sections 36-30-1 and 36-30-20 of the Code of Alabama 1975, relating to certain law enforcement officers, so as to include state probation and parole officers of the Alabama board of pardons and paroles and law enforcement officers of the state department of forensic sciences and correctional officers under the definition of peace officer and state trooper for certain purposes.

COMMITTEE ON WAYS AND MEANS

By Representative White:

H. 70. To amend Section 36-21-2, Code of Alabama 1975, which provides for subsistence allowances for certain law enforcement officers, so as to provide a subsistence allowance for any law officer of the State of Alabama who is employed by the Department of Corrections.

COMMITTEE ON WAYS AND MEANS

By Representative White:

H. 71. To grant all Alabama Department of Corrections non-security employees who actually work in a prison facility a \$4.00 a day hazardous duty pay.

COMMITTEE ON WAYS AND MEANS

By Representatives Hawkins, Hooper, Hill, Knight, Morton, Carns, Petelos, and Parker (T):

H. 72. To provide for the "Alabama Safety Belt Use Act of 1991"; to require front seat occupants of passenger cars to wear safety belts; to exempt certain persons from the provisions of this act; to prescribe a penalty for violation of the provisions of the act; and to provide for a phased-in implementation.

**COMMITTEE ON COMMERCE,
TRANSPORTATION AND UTILITIES**

By Representatives Sanderford, Walker, McKee, Blakeney, Mikell, McMillan, Penry, Gaston, Kvalheim, Knight, Powell, Rich, McDaniel, Morton, and Sanderson:

H. 73. To provide that the Department of Public Safety shall suspend the driver's license of any person convicted or adjudicated of violating Sections

13A-12-202, 13A-12-203, 13A-12-204, 13A-12-211, 13A-12-212, 13A-12-213, 13A-12-214, 13A-12-215, or 13A-12-231, Code of Alabama 1975.

COMMITTEE ON JUDICIARY

By Representatives Fuller, Higginbotham, Harper, Clark (J), Turnham, Warren, Flowers, McDowell, Carter, McKee, Hooper, Layson, Johnson, Buskey (JL), Letson, Starkey, Sanderford, Hawkins, Curry, Newman, Hammett, Powell, Thomas, Burke, Bryant, Perdue, Campbell, Butler, Penry, Mathis, Holmes, McClain, Rogers (J), Smith (C), Haynes, Cagle, Williams, Morrow, Bugg, Knight, White, and Spratt:

H. 74. To amend further Code of Alabama 1975, Section 32-5-313, relating to penalties for traffic infractions to provide funding for the driver education and training fund the Alabama college system truck driver training consortium fund, the catastrophic trust fund for special education, the Alabama traffic safety center fund and the state safety coordinating committee, so as to increase the penalty and to provide further for the distribution of funds.

COMMITTEE ON WAYS AND MEANS

By Representatives Newton (D) and Barnes:

H. 75. To exempt the Jefferson County Committee for Economic Opportunity from the payment of all state, county and municipal sales and use taxes.

COMMITTEE ON WAYS AND MEANS

By Representatives Millican, Anderson, Beasley, Morrow, Newman, Hill, Morton, and Hogan:

H. 76. To further provide for the rules of the road; to prohibit any person, without authority, from possessing any highway or county or municipal traffic sign, signal, warning, guide board, milepost or marker; and to prescribe that any violation shall be a misdemeanor penalty.

COMMITTEE ON JUDICIARY

By Representatives Newman, Harvey, Turnham, Freeman, Morrow, Ford, Burke, Williams, Thomas, Cagle, and Smith (C):

H. 77. To amend Section 2-5-4, Code of Alabama 1975, relating to the administrator of the farmers' market authority, so as to authorize him to appoint and set the salary of a secretary within or without the merit system.

**COMMITTEE ON AGRICULTURE, FORESTRY
AND NATURAL RESOURCES**

By Representatives Hooper and Sanderson:

H. 78. To amend Sections 8-20-4, 8-20-5, 8-20-7, 8-20-9 and 8-20-11, Code of

Alabama 1975, which relate to the Motor Vehicle Franchise Act, so as to provide further for unfair and deceptive trade practices, terminations and nonrenewals of franchise relationships, the warranty obligations to dealers and the amount of civil damages.

**COMMITTEE ON COMMERCE,
TRANSPORTATION AND UTILITIES**

By Representative Starkey:

H. 79. To amend Section 11-43-80, Code of Alabama 1975, which authorizes a municipal governing body to employ the mayor as superintendent of the municipal utility system, so as to authorize said municipal governing body to establish the mayor's compensation for serving in such position.

COMMITTEE ON LOCAL GOVERNMENT

By Representatives Newton (D), Buskey (JE), Grayson, Kennedy, Clay, Clark (W), and Barnes:

H. 80. Denying any state tax exemptions or deductions to any private club that discriminates against any person on the basis of race, color, sex, creed or previous condition of servitude and requiring firms, individuals and corporations to disclose to the state revenue department certain membership dues paid to such private clubs.

COMMITTEE ON WAYS AND MEANS

By Representative Mathis:

H. 81. To provide that under certain circumstances, the state pardons and paroles board may consider for parole, any person sentenced as an habitual felony offender under Section 13A-5-9 of the Code of Alabama 1975; to provide that the provisions shall not be applicable to certain persons who inflicted serious physical harm or injury in commission of the convicted felonies; and to grant the board certain rule-making power.

COMMITTEE ON JUDICIARY

By Representative Mathis:

H. 82. To amend Section 40-28-2 of the Code of Alabama 1975, relating to the distribution of in-lieu-of-taxes payments by T.V.A., so as to further provide for certain non-T.V.A. dry counties which elect to sell alcoholic beverages within their jurisdiction.

COMMITTEE ON WAYS AND MEANS

By Representative Mathis:

H. 83. To further amend Section 40-12-244 of the Code of Alabama 1975,

relating to certain motor vehicle privilege or license tax exemptions for disabled veterans so as to allow them to purchase additional tags for their passenger vehicles.

COMMITTEE ON WAYS AND MEANS

By Representatives Laird, Layson, Hamilton, and Richardson:

H. 84. To amend Sections 32-6-270 and 32-6-272 of the Code of Alabama 1975, so as to further define the term "Fire Fighter" and to provide further for their distinctive motor vehicle license plates.

COMMITTEE ON BUSINESS AND LABOR

By Representatives Hooper, Sanderson, Hawkins, Gaines, Fuller, and Knight:

H. 85. Relating to immunity from civil liability while in volunteer service without compensation for a nonprofit organization or corporation or governmental entity; to provide that any public or community service volunteer without compensation shall be immune from civil liability in any civil action on the basis of any act or omission of such volunteer resulting in damage or injury if said volunteer was acting in good faith within the scope of his official functions and such damage or injury was not caused by willful and wanton misconduct; to provide that the responsibility of an established act or omission of a volunteer shall be the responsibility of the principal organization under the doctrine of "respondeat superior"; and to provide for certain exceptions in the event of a motor vehicle accident where the volunteer is negligent and is covered by insurance.

**COMMITTEE ON COMMERCE,
TRANSPORTATION AND UTILITIES**

By Representative Hooper:

H. 86. Providing that it shall be unlawful for any person, firm, corporation or association or any campaign committee or organization affiliated or associated therewith and/or created, organized and financed thereby to make or pledge to make a campaign contribution to a legislator while the legislature is in regular or special session and to prescribe penalty for violation.

COMMITTEE ON CONSTITUTION AND ELECTIONS

By Representative Hooper:

H. 87. Relating to the possession of weapons on public school property; to make it a Class C misdemeanor for a person to have in his possession a deadly weapon or dangerous instrument as defined in the Alabama Criminal Code while on the property of any city, county or other local public school or while being transported to or from school or a school related activity on transportation approved by the school; to fix the penalty therefor and to prescribe exemptions.

COMMITTEE ON JUDICIARY

By Representatives Knight and Fuller:

H. 88. To create the Catastrophic Trust Fund for Special Education to be administered by the State Department of Education for the purpose of assisting local education agencies in providing special education and related services to children with disabilities in catastrophic cases, and to further provide that unencumbered portions of the funds remain in the Catastrophic Trust Fund for Special Education for future use in such cases.

COMMITTEE ON WAYS AND MEANS

By Representative Hooper:

H. 89. To further provide for school attendance standards and the operation of motor vehicles by certain students; and to provide for certain exceptions and an effective date.

COMMITTEE ON EDUCATION

By Representatives Hooper, Fuller, and Sanderson:

H. 90. To provide that certain persons who were residents of the State of Alabama and deployed to the Persian Gulf War shall be given credit for tuition paid at any public institution of higher education, four-year college, junior college, vocational or technical school operated by the State of Alabama prior to such deployment.

COMMITTEE ON MILITARY AFFAIRS

By Representative Willis:

H. 91. To provide for the "Alabama Safety Belt Use Act of 1991"; to require front seat occupants of passenger cars to wear safety belts; to exempt certain persons from the provisions of this act; to prescribe a penalty for violation of the provisions of the act; and to provide for a phased-in implementation.

**COMMITTEE ON COMMERCE,
TRANSPORTATION AND UTILITIES**

By Representative Parker (T):

H. 92. Relating to Class 4 municipalities; authorizing such municipalities to enact extraterritorial regulations within 2,000 feet of certain type lakes furnishing their water supply in order to protect the periphery from inappropriate development and the resulting congestion, deforestation, pollution, erosion and siltation; authorizing interim zoning for such areas and enactment of appropriate regulations within two years pursuant to a comprehensive plan; and providing that this act shall confer no new taxing powers.

COMMITTEE ON LOCAL GOVERNMENT

By Representative Freeman:

H. 93. To amend Sections 39-1-1, 39-2-2, 39-2-3, 39-2-9 and 39-2-12, Code of Alabama 1975, relating to public contracts, so as to increase the amount of contracts for which bonds are required and to allow certain security to be used in lieu of a bond for contracts under \$10,000.00; to increase the bid amount requiring formal advertising; to eliminate the \$5.00 proposal fee and combine proposal, plan, and specification fee; to extend the periods of time within which bids must be returned; and to allow payment for materials suitably stored off the job site.

COMMITTEE ON STATE ADMINISTRATION

By Representatives Hooper, Fuller, and Sanderson:

H. 94. Relating to education; to provide that public school students be instructed in the historical significance of Veteran's Day and National Memorial Day; and to require the celebration of Veteran's Day and Memorial Day by holding an observance prior to November 11, Veteran's Day and an observance on or before May 30, Memorial Day in all public schools.

COMMITTEE ON MILITARY AFFAIRS

By Representative Campbell:

H. 95. To amend Sections 22-21-20 and 22-21-27 of the Code of Alabama 1975, relating to licensing of hospitals, nursing homes and other health care institutions so as to include hospices; and to provide further for the composition of the advisory board and the power of certain board members.

COMMITTEE ON HEALTH

By Representative Campbell:

H. 96. To amend Section 36-7-21 of the Code of Alabama 1975, relating to allowances for persons traveling outside the state of Alabama, so as to permit the employing agency to elect to advance direct payments to third parties of travel and travel-related expenses for authorized travel out of state.

COMMITTEE ON STATE ADMINISTRATION

By Representative Campbell:

H. 97. To amend section 41-22-2, Code of Alabama 1975, as amended, so as to provide that the department of insurance of the state of Alabama is not exempted from the provisions of the Alabama Administration Procedure Act and provides the rule-making procedures, schedules and requirements for the department of insurance.

COMMITTEE ON JUDICIARY

By Representative Campbell:

H. 98. To amend Section 41-16-21 of the Code of Alabama 1975, relating to contracts for which competitive bidding is not required generally and certain institutions exempted from provisions of the Article relating to powers and duties of the Department of Finance, so as to provide that those institutions and state agencies shall be required to solicit bids on contracts involving \$5,000.00 or more.

COMMITTEE ON STATE ADMINISTRATION

By Representative Campbell:

H. 99. To amend section 22-21-5 of the Code of Alabama 1975, to grant to public bodies organized under the said section the powers of health care authorities organized under Article 11 of chapter 22 of the Code of Alabama 1975.

COMMITTEE ON HEALTH

By Representative Campbell:

H. 100. To adopt and incorporate into the Code of Alabama 1975 those general and permanent laws of the state enacted during the 1989 Special Session and the 1990 Regular Session of the Legislature, as contained in the 1990 Cumulative Supplement to certain volumes of the Code and in the 1990 Replacement Volume 14 of the Code; and to make corrections in certain volumes of such cumulative supplement.

COMMITTEE ON JUDICIARY

By Representative Campbell:

H. 101. To repeal Section 29-1-18 of the Code of Alabama 1975, which limits the number of members of a standing committee of the house of representatives to 15.

COMMITTEE ON JUDICIARY

By Representatives Richardson, Smith (R), Laird, Payne, Rogers (F), Morton, Turner, Mikell, and Lindsey:

H. 102. To amend Section 12-15-34, Code of Alabama 1975, relating to the transfer of cases from juvenile court to criminal court, so as to provide further for such transfer.

COMMITTEE ON JUDICIARY

By Representative Campbell:

H. 103. To be known as the Alabama alcoholic beverage control code; to regulate and control transactions in alcoholic beverages which take place in Alabama by alcoholic beverage control board; to provide for an alcoholic beverage

control board; to regulate and control transactions in alcoholic beverages which take place in Alabama and to prohibit such transactions except by and under the control of the board; to restrict the effect of the Code to wet counties and wet municipalities; to provide for the administration, functions, powers and regulations of, and for receipt, disposition and use of profits of the board; to provide for the appointment, term of office, suspension, removal, compensation, costs and expenses of such board and its members, officers, agents and employees, and its administrator; to provide for the management and operation of and sales by state liquor stores; to provide for and fund an inventory fund for the board; to create a cost of evidence fund and provide for use thereof; to authorize licensing to engage in alcoholic beverage transactions, and provide for regulation for, and issuance and renewal of, and regulation of the grant of licenses; to impose and levy state, and authorize and limit county and municipal, filing and license fees for engaging in manufacture, import, warehousing, wholesale or retail sale of or transactions in alcoholic beverages; to proscribe unlawful acts and offenses and provide for punishment therefor; to prescribe penalties for any violation of the Code or any rule or regulation promulgated by the board and to provide punishment and alternate punishment therefor, including suspension or revocation of licenses and fines against licensees; to provide for non-taxable sales; to provide for refund on overpayment or erroneous payment on taxes and licenses to the board or any county or municipality; to provide penalties for failure to pay taxes collected and for execution for unpaid taxes and penalties; to provide for identification of certain alcoholic beverages and penalties for possession of unidentified alcoholic beverages and for the counterfeit or reuse of Alabama identification; to provide for licensee reports, records and inspections; to provide for confiscation of unidentified alcoholic beverages and vehicles used for transportation of unidentified alcoholic beverages and for the procedure for confiscation; to provide for an election to determine classification of county as wet or dry county; to provide for special method referendum to determine classification of county as wet or dry county and to impose conditions governing sales under special method; to provide for municipal option election to determine classification of municipalities as wet or dry municipalities; to provide for the separation of business interests and exclusive sales territories; to provide for regulation of advertising alcoholic beverages; to define terms and to establish a legal drinking age; to repeal Chapters 1, 2, 2A, 3A, 6 and 8, and Chapter 3 except sections 28-3-184, 28-3-190, 28-3-200 through 205, inclusive, 28-3-280, 28-3-281 and 28-3-284, and Chapter 7 except section 28-7-16, Title 28, Code of Alabama 1975, as amended, and all other conflicting or inconsistent laws or parts of laws, but shall not repeal or amend Title 28, Chapter 9, Code of Alabama 1975, as amended; to amend Title 28, Chapter 4, Code of Alabama 1975, to make the same consistent with the provisions of this Code; and to provide that the Code shall become effective on October 1, 1991.

**COMMITTEE ON TOURISM, ENTERTAINMENT
AND SPORTS**

By Representative Starkey:

H. 104. To amend Act No. 90-624, H. 570, 1990 Regular Session, codified as Section 36-29-14, Code of Alabama 1975, which provides the procedure for officers, employees and retirees of certain cities, towns, fire districts, water and

fire authority districts and the Alabama League of Municipalities to be covered under the state employees' health insurance plan, so as to provide that coverage and benefits do not have to be the same as those of state employees.

COMMITTEE ON WAYS AND MEANS

By Representatives Knight and Hill:

H. 105. To further provide for the applications of homestead exemptions for certain purchasers of real property.

COMMITTEE ON WAYS AND MEANS

By Representatives Hooper, Fuller, and Sanderson:

H. 106. To require all public schools to designate a time each school day for the Pledge of Allegiance to the flag of the United States.

COMMITTEE ON MILITARY AFFAIRS

By Representatives Laird, Williams, Holley, Smith (C), Richardson, Hamilton, White, and Penry:

H. 107. To amend Section 11-50-1.1, Code of Alabama 1975, which prohibits municipalities from acquiring or duplicating services of certain waterworks systems, so as to also prohibit public corporations or entities created or operating pursuant to sections 11-50-230 through 11-50-241, Code of Alabama 1975, specifically, and chapter 50 of Title 11, Code of Alabama 1975, generally, from so acquiring or duplicating such services. The bill would also prohibit any waterworks system or an part thereof, operated by a corporation or association which has been organized under Sections 10-4-190 through 10-4-194, Sections 11-88-1 through 11-88-21, Sections 11-88-40 through 11-88-111, or Sections 11-89-1 through 11-89-19, from acquiring, or duplicating any services of any waterworks system or any part thereof, operated by a municipality or public corporation or entity created or functioning pursuant to Sections 11-50-230 through 11-50-241, Code of Alabama 1975, specifically, and Chapter 50, Title 11, Code of Alabama 1975, generally.

COMMITTEE ON LOCAL GOVERNMENT

By Representative Turner:

H. 108. To amend Section 9-11-150, Code of Alabama 1975, which prohibits the use of certain fishing gear within certain areas, so as to provide further for such prohibition.

COMMITTEE ON AGRICULTURE, FORESTRY
AND NATURAL RESOURCES

By Representative Freeman:

H. 109. To amend Sections 36-7-20 and 36-7-22 of the Code of Alabama 1975 so as to provide for the per diem allowance and mileage allowance for persons traveling on state business.

COMMITTEE ON WAYS AND MEANS

By Representatives Freeman and Harper:

H. 110. To make an appropriation to the Space Science Exhibit Commission for the fiscal year ending September 30, 1992 for educational purposes.

COMMITTEE ON WAYS AND MEANS

By Representative Freeman:

H. 111. To provide that no adult having control of a residence shall allow an open house party in certain instances; to provide certain exceptions; to provide certain penalties and to provide for a particular effective date.

COMMITTEE ON LOCAL GOVERNMENT

By Representative Freeman:

H. 112. To amend Section 32-5A-4, Code of Alabama 1975, which prohibits the failure to comply with lawful orders of policemen or firemen so as to include lawful orders of school crossing guards.

COMMITTEE ON JUDICIARY

By Representative Parker (T):

H. 113. To amend section 31-2-13, Code of Alabama 1975, relating to paid leave of absence for military duty for up to 21 working days per year, so as to authorize public and private employers to extend paid leave and benefits for its employees beyond said 21 day limit, and to retroactively validate and authorize any such action taken by an employer on or after October 1, 1990, by making the effective date of this act retroactive to October 1, 1990.

COMMITTEE ON MILITARY AFFAIRS

By Representative Ford (With Notice and Proof):

H. 114. Providing for a board of education for the City of Attalla, Alabama, to be elected by the qualified electors of said city; providing that the members of such board shall be elected from defined school districts; providing for the terms of office, qualifications and compensation of such members; prescribing procedures for electing such members and for filling vacancies on such board; providing for board representation for persons not residing within a specific school district; providing certain immunity for such board members; providing for

financial audits of the records of such board; and providing that this act shall become effective only upon the ratification of an amendment to the Constitution of Alabama 1901, authorizing an elected school board for the City of Attalla.

COMMITTEE ON LOCAL LEGISLATION NO. 1

I HEREBY CERTIFY THAT THE NOTICE & PROOF IS ATTACHED TO THE BILL, H. 114, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON, CLERK

By Representative Ford (With Notice and Proof):

H. 115. Relating to taxation in Etowah County; authorizing the Etowah County Commission to levy either a county gasoline tax not to exceed a certain amount that would remain in effect indefinitely or to levy a certain sales and use tax that would only be in effect from its imposition date until December 31, 1995, providing that whichever county tax is imposed shall be administered, enforced and collected as provided by law by the state revenue department under terms of contract with the county; providing for enforcement penalties; and providing that the proceeds of the revenue raised from whichever tax is so imposed shall be deposited in a special fund in the county treasury to be expended for construction and maintenance of a county jail and renovation of the existing county courthouse.

COMMITTEE ON LOCAL LEGISLATION NO. 1

I HEREBY CERTIFY THAT THE NOTICE & PROOF IS ATTACHED TO THE BILL, H. 115, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON, CLERK

By Representative Ford (With Notice and Proof):

H. 116. Relating to Etowah County; authorizing the Etowah County Commission to levy a user fee on the issuance of all motor vehicle license tags for passenger automobiles and trucks of any nature in addition to any and all other charges, costs, taxes or fees levied thereon; and providing for the payment, collection and distribution of the net revenues from such user fees.

COMMITTEE ON LOCAL LEGISLATION NO. 1

I HEREBY CERTIFY THAT THE NOTICE & PROOF IS ATTACHED TO THE BILL, H. 116, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON, CLERK

By Representative Warren:

H. 117. To amend Sections 9-13-196 and 9-13-197, Code of Alabama 1975, relating to failure to pay certain assessments on forest lands, so as to provide further for the sale and redemption of said land and provide further for the

retroactive repeal of local laws levying an acreage assessment.

COMMITTEE ON WAYS AND MEANS

By Representatives Hooper, Sanderson, Zoghby, Gullatt, Kvalheim, Hawkins, Freeman, and Newman:

H. 118. To provide for licensure and regulation of the home building industry; to provide for examination and issuance of licenses; to provide for the Home Builders Licensure Board; to provide for licensing fees and penalties for violations; to authorize said board to prescribe administrative rules and regulations; to provide for revocation of licenses; to prescribe appellate procedure for board decisions and to exempt certain persons and entities from this act.

**COMMITTEE ON COMMERCE,
TRANSPORTATION AND UTILITIES**

By Representatives Higginbotham, Richardson, Williams, Mathis, Gullatt, Ford, Harvey, Beasley, Hooper, and Hawkins:

H. 119. To authorize the department of revenue to promulgate through the provisions of the Alabama Administrative Procedures Act, rules and regulations relating to enforcement of statutes dealing with issuance of licenses as provided for by Chapter 12 of Title 40, Code of Alabama 1975.

COMMITTEE ON JUDICIARY

By Representatives Higginbotham, Richardson, Williams, Mathis, Gullatt, Ford, Harvey, Beasley, Hooper, and Hawkins:

H. 120. To amend Sections 40-1-33, 40-12-390, 40-12-391, 40-12-392, 40-12-394, 40-12-396, 40-12-398 and 40-12-414, Code of Alabama 1975, relating to automotive vehicle dealers, so as to exclude certain license information from general confidentiality provisions, provide further for revocation and denial of licenses, define certain terms, provide further for requiring certain business licenses, increase the surety bonds, increase the penalty for noncompliance, authorize the revenue department to promulgate rules and regulations and to repeal Section 40-12-52, Code of Alabama 1975, which requires a privilege license for automobile salesmen.

COMMITTEE ON JUDICIARY

By Representative Higginbotham:

H. 121. Relating to the George Wallace, Jr., linked deposits plan pursuant to chapter 21, Title 5, Code of Alabama 1975; to amend Sections 5-21-2, 5-21-3, 5-21-4 and 5-21-11, Code of Alabama 1975, so as to expand the plan to include discretionary emergency interim deposits to support loans made for property loss due to natural or man-made disasters; to provide further for definitions and legislative intent; to authorize such emergency deposits and define the term in interest rate of such deposits and to extend the plan to September 30, 1995.

COMMITTEE ON JUDICIARY

By Representative Higginbotham:

H. 122. To provide safety for all persons using the highways of this state by quickly suspending the driving privilege of those persons who have shown themselves to be safety hazards by driving with an excessive concentration of alcohol in their bodies; to guard against the potential for any erroneous deprivation of the driving privilege by providing an opportunity for administrative review, if requested, prior to the effective date of the suspension, and an opportunity for a hearing, if requested, as quickly as possible after the suspension becomes effective.

COMMITTEE ON JUDICIARY

By Representative Higginbotham:

H. 123. To amend Section 32-7-2, Code of Alabama 1975, relating to the Motor Vehicle Safety-Responsibility Act, so as to increase the proof of financial responsibility.

COMMITTEE ON JUDICIARY

By Representative Higginbotham:

H. 124. To amend Section 32-7-8, Code of Alabama 1975, relating to the Motor Vehicle Safety-Responsibility Act, so as to change the time of suspension of driver's licenses from one year to two years and the elapsed time when such security was required from one year to two years.

COMMITTEE ON JUDICIARY

By Representative Higginbotham:

H. 125. To amend Section 32-7-22, Code of Alabama 1975, relating to the Motor Vehicle Safety-Responsibility Act, so as to increase the motor vehicle liability policy from its present limits.

COMMITTEE ON JUDICIARY

By Representative Higginbotham:

H. 126. To amend Section 32-7-27, Code of Alabama 1975, relating to the Motor Vehicle Safety-Responsibility Act, so as to increase the proof of financial responsibility from \$11,000.00 to \$50,000.00.

COMMITTEE ON JUDICIARY

By Representative Higginbotham:

H. 127. To repeal Section 32-7-39, Code of Alabama 1975, relating to the expenses of administering Motor Vehicle Safety-Responsibility Act.

COMMITTEE ON JUDICIARY

By Representative Payne:

H. 128. To require persons engaged in the business of purchasing and receiving or collecting waste grease and animal by-products for rendering or recycling from businesses located in various cities of the state to pay a license tax in each such city; and to provide the rate of such license tax.

COMMITTEE ON LOCAL GOVERNMENT

By Representative Payne:

H. 129. Granting retired status to certain state law enforcement officers who leave state service prior to qualifying for pension benefits for purposes of allowing such officers to compete in certain sports competitions and providing that the retired status hereby conferred shall not be applicable to qualification for any benefits of state retirees but shall only be applicable for qualification for certain sports competitions.

COMMITTEE ON STATE ADMINISTRATION

By Representative Ford:

H. 130. Proposing an amendment to the Constitution of Alabama of 1901, providing for the election of the members of the board of education in the City of Attalla, Alabama.

COMMITTEE ON LOCAL LEGISLATION NO. 1

The above bill was read a first time at length as required by the Constitution.

By Representative Ford:

H. 131. Relating to the Alabama Public Service Commission; amending Sections 37-3-10, 37-3-11, 37-3-13, 37-3-15, 37-3-17, 37-3-21 and 37-3-22 of the Code of Alabama 1975, relating to motor vehicle carriers, so as to provide further for the regulation of such carriers and repealing Section 37-3-14 of the Code of Alabama 1975, which relates to the dual operations by motor vehicle carriers.

COMMITTEE ON COMMERCE,
TRANSPORTATION AND UTILITIES

By Representative Hill:

H. 132. To amend Section 11-81-21, Code of Alabama 1975, relating to investment of municipal or county funds, so as to permit municipal and county funds to be invested in certain open-end or closed-end investment trusts which are invested in direct obligations of the United States of America or repurchase agreements respecting such U. S. obligations.

COMMITTEE ON BANKING

By Representative Freeman:

H. 133. To make an appropriation to the Project DARE drug education program in Huntsville, Alabama for the fiscal year ending September 30, 1992, and to require an operations plan and audited financial statement prior to release of any funds.

COMMITTEE ON WAYS AND MEANS

By Representatives Newton (D), Perdue, Curry, Harvey, Venable, Knight, and Hill:

H. 134. To further provide for criminal procedure and to prescribe the conditions for the issuance of warrants for nighttime searches and seizures; and to repeal Sections 15-5-8 and 15-5-12 of the Code of Alabama 1975, relating to search warrants.

COMMITTEE ON JUDICIARY

By Representative Flowers:

H. 135. To amend Section 1-3-8 of the Code of Alabama 1975 relating to the legal holidays in this state; to provide that National Memorial Day shall be a legal holiday in this state; to provide that Jefferson Davis' birthday shall be observed in conjunction with Confederate Memorial day; to provide that Thomas Jefferson's birthday shall be observed in conjunction with George Washington's birthday; to provide further for the observance of Mardi Gras in this state; and to provide for personal leave days for state employees in lieu of certain holidays.

COMMITTEE ON STATE ADMINISTRATION

By Representative Flowers:

H. 136. To authorize and provide the procedure for certain full-time employees of Soil and Water Conservation Districts throughout Alabama to be covered under the state employees' health insurance plan; to provide for the payment of the premiums for employees and their dependents; to provide for the termination of coverage under this act; and to require the state employees' insurance board to promulgate rules and regulations as may be required for the effective administration of the provisions of this act.

COMMITTEE ON WAYS AND MEANS

By Representative Bugg:

H. 137. To amend Sections 15-18-1 and 15-18-82 of the Code of Alabama 1975, relating to the manner of execution of persons convicted of a capital offense, so as to provide for execution by lethal injection.

COMMITTEE ON JUDICIARY

By Representatives Knight, Hill, and Richardson:

H. 138. To provide for a special lifetime hunting, fishing, and combination license for sixty-four year old residents.

COMMITTEE ON AGRICULTURE, FORESTRY
AND NATURAL RESOURCES

By Representative Richardson (With Notice and Proof):

H. 139. Relating to Jackson County; providing further for the fees for the issuance of pistol permits; providing for the deposit of such fees in a fund known as the Sheriff's Law Enforcement Fund; and repealing Act No. 211, H. 854, 1971 Regular Session, (Acts 1971, p. 507).

COMMITTEE ON LOCAL LEGISLATION NO. 1

I HEREBY CERTIFY THAT THE NOTICE & PROOF IS ATTACHED TO THE BILL, H. 139, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON, CLERK

By Representative Richardson (With Notice and Proof):

H. 140. Relating to the City of Scottsboro in Jackson County, granting certain authority to the electric power board.

COMMITTEE ON LOCAL LEGISLATION NO. 1

I HEREBY CERTIFY THAT THE NOTICE & PROOF IS ATTACHED TO THE BILL, H. 140, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON, CLERK

By Representatives Zoghby and Payne:

H. 141. To amend Section 12-15-61, Code of Alabama 1975, relating to certain facilities used for detention and shelter care of children, so as to provide further for such detention and shelter care and to provide for subsidy by the state of certain costs thereof, effective October 1, 1991.

COMMITTEE ON WAYS AND MEANS

By Representative Zoghby:

H. 142. To amend Section 11-50-342 of the Code of Alabama 1975, relating to the membership of the board of water and sewer commissioners so as to provide further for an increase in said membership.

COMMITTEE ON LOCAL GOVERNMENT

By Representative Zoghby:

H. 143. To further amend Section 37-3-4, Code of Alabama 1975, as amended, relating to certain exemptions from the Alabama Motor Carriers Act for certain motor carriers and others, so as to provide that certain motor carriers who transport passengers of certain nonprofit groups, organizations, societies, corporations or institutions may charge lesser rates or tariffs; to require certain filings with the public service commission in the manner prescribed by the commission; and to provide for an effective date.

COMMITTEE ON WAYS AND MEANS

By Representative Zoghby:

H. 144. To amend section 5-13A-3, Code of Alabama 1975, relating to the acquisition of an Alabama bank holding company or an Alabama bank by a regional bank holding company, so as to provide further for any such acquisition.

COMMITTEE ON BANKING

By Representative Zoghby:

H. 145. Relating to the administration of fiduciary accounts by duly authorized banks and trust companies by requiring timely investment of idle funds, by setting a quality standard, requiring a reasonable rate of return, providing for compensation and providing for the application of this act to fiduciary accounts now existing or hereafter created.

COMMITTEE ON BANKING

By Representative Zoghby:

H. 146. Relating to motor vehicles so as to provide that a transaction does not create a sale or security interest merely because the transaction provides that the rental price may be adjusted by reference to the amount realized upon sale or other disposition of the motor vehicle; to provide for severability of the provisions of this act; to provide for repeal of conflicting laws; and to provide for an effective date.

COMMITTEE ON BANKING

By Representatives Gaines, Hawkins, Fuller, Sanderson, Hooper, Curry, Petelos, and Carns:

H. 147. To provide higher education assistance by the state of tuition to all needy, qualified, college-bound state residents; to provide for the administration of such assistance by the Alabama Commission on Higher Education; and to provide for the funding for such assistance.

COMMITTEE ON WAYS AND MEANS

By Representative White:

H. 148. To provide that upon the death of a state employee his beneficiary shall be entitled to a payment of one-half of his accrued sick leave.

COMMITTEE ON WAYS AND MEANS

By Representatives Freeman, Johnson, Carothers, Haynes, Biddle, Hawkins, Harvey, Beasley, Bowling, Ford, Flowers, Hooper, Campbell, Thomas, McDowell, Kvalheim, Clark (J), and Buskey (JL):

H. 149. To amend Section 34-24-80 and Section 34-24-83, Code of Alabama 1975, relating to the evaluation by the State Board of Medical Examiners of Colleges of Medicine located outside of the United States and the District of Columbia, so as to provide further for such evaluation and the licensing of graduates of such schools.

COMMITTEE ON HEALTH

By Representative Burke:

H. 150. Relating to the county superintendent of education; amending Section 16-9-24 of the Code of Alabama 1975, to remove the requirement that he is required to maintain an office in the county seat.

COMMITTEE ON EDUCATION

By Representatives Knight and Hill:

H. 151. To authorize teachers, school board members, administrative employees, and certified and non-certified employees of the various school systems of this state to report suspected drug or alcohol abuse of students, and to provide immunity from civil and criminal liability for any such person who in good faith makes such a reporting.

COMMITTEE ON JUDICIARY

By Representative White:

H. 152. To amend Sections 11-51-90 and 11-51-93, Code of Alabama 1975, relating to municipal business licenses, so as to increase the fees and to increase the penalty for engaging in a business or vocation without a license.

COMMITTEE ON LOCAL GOVERNMENT

By Representatives Johnson and Beasley:

H. 153. To add a Section 34-23-75, Code of Alabama 1975, Alabama Pharmacy Practice Act, which would allow licensed pharmacists to refill a prescription for up to a 72 hour supply, when they are unable to obtain refill authorization from the prescriber.

COMMITTEE ON HEALTH

By Representatives Johnson and Beasley:

H. 154. To amend Section 36-26-35, Code of Alabama 1975, which provides for the maximum amount of annual leave that may be accrued by state employees, so as to provide further for the leave accrued by law enforcement officers in the department of public safety.

COMMITTEE ON WAYS AND MEANS

By Representative Johnson:

H. 155. To require that the State Board of Pharmacy establish and periodically update a published list of precursor chemicals which are essential to the manufacture of unlawful controlled substances; to establish an interim list of such chemicals; to enact registration, reporting, and record-keeping requirements for individuals who manufacture, buy, sell, transfer, transport, receive, possess, or otherwise furnish such listed precursor chemicals, under the direction and supervision of the Board of Pharmacy; to make unlawful the possession of listed precursor chemicals with knowledge or intent that the same will be used in the unlawful manufacture of controlled substances; to empower the Board of Pharmacy to adopt reasonable rules and regulations to effect the purposes of the act, and to charge reasonable fees for the registration of listed precursor chemical transactions; and to provide penalties for violation of the act.

COMMITTEE ON JUDICIARY

By Representatives Johnson, Carothers, Haynes, Biddle, Hawkins, Harvey, Beasley, Freeman, Flowers, Bowling, Ford, Hooper, Campbell, Thomas, McDowell, Kvalheim, and Clark (J):

H. 156. To amend Sections 27-26-5 and 34-24-56, Code of Alabama 1975, relating to the reporting of medical malpractice judgments and settlements, so as to provide further for the reporting of judgments and settlements entered against professional corporations.

COMMITTEE ON JUDICIARY

By Representative Johnson:

H. 157. To amend Sections 36-21-44, 36-21-45 and 36-21-46 of the Code of Alabama 1975, which relate to the peace officers standards and training commission, so as to provide further for its powers, duties, functions and allowances; and to provide further for the establishment and operation of certified police academies by the commission and the salaries and benefits of the directors and employees of such academies.

COMMITTEE ON WAYS AND MEANS

By Representative Johnson:

H. 158. To provide that the governor of Alabama or his designee shall be

empowered to allow the transfer of foreign nationals imprisoned in this state to the country of their citizenship subject to the terms of a valid treaty between the United States and that country.

COMMITTEE ON JUDICIARY

By Representative Buskey (JL):

H. 159. Relating to the Alabama Sunset Law; to continue the existence and functioning of the board of examiners of landscape architects with certain modifications; to amend the following sections of the Code of Alabama 1975, for the purposes stated: Section 34-17-5, to authorize disciplinary actions by the board for violations of chapter 17, Title 34, and rules and regulations of the board; Section 34-17-20, to require a program of continuing education; Section 34-17-21, to require applicants to have completed certain educational or practical requirements prior to applying for certification by the board and to provide further for temporary certificates of the board; and Section 34-17-25, to provide further for certain fees of the board.

COMMITTEE ON STATE ADMINISTRATION

By Representative Buskey (JL):

H. 160. Relating to the Alabama Sunset Law; to continue the existence and functioning of the board for registration of architects with certain modifications; to amend the following sections of the Code of Alabama 1975, for the purposes stated: section 34-2-33 to provide a grace period for renewal of licenses in order to avoid a penalty payment; section 34-2-34 to authorize the board to issue reprimands and levy administrative fines for violation of chapter 2, Title 34 or the rules and regulations of the board and to provide an appeal procedure for such disciplinary actions; section 34-2-39 to require a program of continuing education; and section 34-2-40 to provide that the secretary of the board may be a licensee of the board.

COMMITTEE ON STATE ADMINISTRATION

By Representative Buskey (JL):

H. 161. Relating to the Alabama Sunset Law; to continue the existence and functioning of the state licensing board for general contractors with certain modifications; to amend the following sections of the Code of Alabama 1975, for the purposes stated: section 34-8-2 to provide further for license and renewal fees and a late renewal penalty; section 34-8-4 to authorize administrative fines by the board for violations of chapter 8, Title 34 and for violations of the board's rules and regulations; and Section 34-8-25 to authorize the secretary-treasurer to certify vouchers of the board without the Governor's approval.

COMMITTEE ON STATE ADMINISTRATION

By Representative Buskey (JL):

H. 162. Relating to the Alabama Sunset Law; to continue the existence and functioning of the polygraph examiners board with certain modifications; to amend the following sections of the Code of Alabama 1975, for the purposes stated: 34-25-36 to make fees apply to all governmental polygraph examiners and to provide further for certain fees; and 34-25-29 to provide for a mandatory continuing education program by the board.

COMMITTEE ON STATE ADMINISTRATION

By Representative Buskey (JL):

H. 163. Relating to the Alabama Sunset Law; to continue the existence and functioning of the state board of occupational therapy with certain modifications; to amend the following sections of the Code of Alabama 1975, for the purposes stated: 34-39-14 to provide further for the assessment and collection of costs relating to hearings of the board which result in the suspension, revocation or refusal to issue a license; 34-39-16 to provide further for the hearing of evidence and appeal process for hearings and actions of the board; and 41-20-3 to provide that the board shall be an enumerated state agency under the state sunset statute and to delete references to enumerated agencies which are no longer in existence.

COMMITTEE ON STATE ADMINISTRATION

By Representative Buskey (JL):

H. 164. Relating to the Alabama Sunset Law; to continue the existence and functioning of the board of funeral service with certain modifications; to amend the section of the Code of Alabama 1975, to authorize the board to establish a reasonable examination fee for preparing and administering examinations of the board's applicants.

COMMITTEE ON STATE ADMINISTRATION

By Representative Buskey (JL):

H. 165. Relating to the Alabama Sunset Law; to continue the existence and functioning of the hearing aid dealers licensing board with certain modifications; to amend the following sections of the Code of Alabama 1975, for the purposes stated: 34-14-1 to provide further definitions regarding apprentice permits and hearing aid fitters and dispensers; 34-14-2 to require retail sellers of hearing aids to have a licensed dispenser on their staff; 34-14-3 and 34-14-4 to provide further for licensing requirements of dispensers and fitters; 34-14-6 to provide further for the license renewal fees for fitters and dispensers; 34-14-7 to provide for the requirements and issuance of an apprentice permit; 34-14-8 to allow notices of the state board to be mailed to licensees; 34-14-9 to provide for complaints and disciplinary actions against apprentices; 34-14-10 to require certain information on the receipt of sale of hearing aids; 34-14-11 and 34-14-30 to provide further for the membership and powers of the state board.

COMMITTEE ON STATE ADMINISTRATION

By Representative Buskey (JL):

H. 166. Relating to the Alabama Sunset Law; to continue the existence and functioning of the state board of registration for professional engineers and land surveyors, with certain modifications; to amend the following sections of the Code of Alabama 1975, for the purposes stated: 34-11-8 to increase individual license fees to require a continuing education program for individual licensees of the board and to prescribe a late renewal penalty for corporate licensees; 34-11-9 to require corporate licensees to obtain approval of their corporate charter prior to obtaining a corporate certificate of license and 34-11-36 to provide for the position of assistant executive director.

COMMITTEE ON STATE ADMINISTRATION

By Representatives Biddle, Carns, and Payne:

H. 167. To require the State Department of Education of Alabama to implement into its public health education program for required use in public school systems instruction which emphasizes sexual restraint and the dangers and harm of using illegal drugs. To declare the findings and purpose of the Alabama Legislature regarding specific health problems of school children. To state the minimum requirements of the contents to be required in such public health education program. To establish standards of conduct which prohibit illegal drug use for employees and children within the schools.

COMMITTEE ON HEALTH

By Representatives Biddle, McKee, Mikell, and Payne:

H. 168. To amend section 13A-7-23.1, Code of Alabama 1975, relating to the offense of desecration of real or personal property within a cemetery, so as to increase the punishment from a Class A misdemeanor to a Class C felony.

COMMITTEE ON JUDICIARY

By Representatives Kennedy, Buskey (JE), Clark (W), and Zoghby (With Notice and Proof):

H. 169. Relating to the City of Mobile, to amend Act Number 31 of the Alabama Legislature, Second Special Session 1975, adopted March 10, 1975, and any amendments thereto, which relates to the incorporation in any municipality having a population of not less than 175,000 nor more than 250,000 according to the last or any subsequent Federal Decennial Census of an authority as a public corporation for the purpose of providing public transportation service in such county and the compensation of directors of any such authority.

COMMITTEE ON LOCAL LEGISLATION NO. 3

I HEREBY CERTIFY THAT THE NOTICE & PROOF IS ATTACHED TO THE BILL, H. 169, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON, CLERK

By Representatives Gullatt, Higginbotham, and Beasley:

H. 170. To amend Section 40-16-6, Code of Alabama 1975, which relates to the payment and distribution of financial institution excise taxes, so as to permit all incorporated municipalities to levy privilege license taxes on financial institutions.

COMMITTEE ON LOCAL GOVERNMENT

By Representative Venable:

H. 171. To amend further sections 17-4-153 and 17-4-188, Code of Alabama 1975, relating to compensation of boards of registrars, so as to set the salary of each registrar at the rate of \$50.00 per day for each eight-hour day's service.

COMMITTEE ON WAYS AND MEANS

By Representative Venable:

H. 172. To amend sections 17-10-3 through 17-10-5, 17-10-7, 17-10-9 and 17-10-11, Code of Alabama 1975, relating to absentee voting, so as to provide for certain absentee ballots to be mailed; to require certain absentee voters to vote at designated places; to provide for assistance to certain absentee voters; to provide further for the number of election officials required to count absentee ballots; and to provide penalties for falsifying information under this act.

COMMITTEE ON CONSTITUTION AND ELECTIONS

By Representative Venable:

H. 173. To amend Sections 11-43-41 and 11-43-42, Code of Alabama 1975, relating to the procedure for filling vacancies in the offices of certain city officials, so as to provide further for such procedure.

COMMITTEE ON LOCAL GOVERNMENT

By Representative Venable:

H. 174. To amend Section 11-45-2, Code of Alabama 1975, so as to provide that in all towns and in cities of less than 12,000 population, no ordinance or resolution, intended to be of permanent operation shall become a law unless on its final passage a majority of the members elected to the Council, including the Mayor, shall vote in its favor.

COMMITTEE ON LOCAL GOVERNMENT

By Representative Venable:

H. 175. Proposing an amendment to Amendment No. 425 to the Constitution of Alabama 1901, ratified on November 17, 1982, relating to mode of adoption of proposed constitutional amendments affecting only one county, so as to provide

further for the mode of adopting such amendments affecting only one county under certain conditions.

COMMITTEE ON LOCAL GOVERNMENT

The above bill was read a first time at length as required by the Constitution.

By Representative Venable:

H. 176. To amend Section 40-23-5, Code of Alabama 1975, relating to sales and use tax exemptions, so as to exempt from all state, county and municipal sales and uses taxes, any association, organization, corporation, fund, community chest, or foundation organized and operated to solicit money for public, private or church schools.

COMMITTEE ON WAYS AND MEANS

By Representative Venable:

H. 177. To amend certain sections in Title 40 of the Code of Alabama 1975, relating to crimes and offenses committed by employees of the Department of Revenue for violations of revenue and taxation statutes, regulations and procedure requiring confidentiality of information and certain exclusions therefrom; to amend Section 40-18-52, Code of Alabama 1975, to increase the punishment for violation of the confidentiality of income tax returns and income tax information and to amend Section 40-1-33, Code of Alabama 1975, so as to increase the punishment for violation of the confidentiality of all tax returns and information secured by the Department of Revenue; to amend Section 40-1-33, Code of Alabama 1975, to provide for the promulgation of rules and regulations permitting the exchange of tax information with other federal, state, county and municipal government tax agencies and associations of state tax agencies; and to specifically repeal Sections 40-23-29 (relating to confidentiality of sales tax returns), 40-23-84 (relating to confidentiality of use tax returns), 40-14-57 (relating to confidentiality of franchise tax returns), and 40-17-202 (relating to confidentiality of carriers and warehouse returns) of the Code of Alabama 1975 since those provisions would be duplicative of Section 40-1-33, Code of Alabama 1975.

COMMITTEE ON JUDICIARY

By Representative Venable:

H. 178. To amend Section 40-23-68 of the Code of Alabama 1975, to define the activities which require an out-of-state seller to collect Alabama's sellers use tax; amends Section 40-23-85 to provide for distribution of \$3,000,000 annually to the state industrial development authority for industrial site development grants; and provide for an effective date.

COMMITTEE ON WAYS AND MEANS

By Representative Venable:

H. 179. To amend further Sections 41-20-2, 41-20-5, 41-20-10 and 41-20-11, Code of Alabama 1975, as amended, which relate to the termination or continuance of enumerated and nonenumerated state agencies pursuant to the state sunset law; so as to provide that the sunset committee shall be limited to recommendations and reporting of bills that either continue or terminate said agencies.

COMMITTEE ON STATE ADMINISTRATION

By Representatives Turnham, Fuller, and Flowers:

H. 180. Relating to persons who are required to register with the U. S. Selective Service System, so as to provide that such persons may not enroll in institutions of higher learning nor be offered employment or advancement or promotion by the State of Alabama unless such persons offer proof that they have so registered, and to authorize the State Personnel Board and the institutions of higher learning to promulgate necessary rules and regulations.

COMMITTEE ON MILITARY AFFAIRS

By Representative Turnham:

H. 181. To create an Alabama Clearinghouse for State Publications within the Alabama Public Library Service and provide for its operations, duties and authority; to authorize reasonable rules and regulations; to provide for the creation of state publications depositories; and to repeal section 41-6-12, Code of Alabama 1975, which requires the printing of 250 additional copies of state publications for use by the Department of Archives and History.

COMMITTEE ON WAYS AND MEANS

By Representatives Turnham and Fuller:

H. 182. To require attendants at full-service gasoline stations offering self-service to dispense gasoline from the self-service portion of the station to motor vehicles properly displaying a handicapped decal or placard or "temporarily handicapped" placard when the person to whom the permit has been issued is the operator of the vehicle and such service is requested.

COMMITTEE ON HEALTH

By Representative Turnham:

H. 183. To establish an Act relating to preschool special education services for children with disabilities, ages 3 through 5 years, inclusive; to provide a free appropriate public education for preschool children with disabilities, ages 3 through 5 years, inclusive, in accordance with the Individuals with Disabilities Education Act, previously known as the "Education of the Handicapped Act," Public Law 91-230 and all amendments thereto.

COMMITTEE ON WAYS AND MEANS

By Representative Turnham:

H. 184. Providing for a certain supplemental appropriation from the general fund to the office of the Director of Voter Registration for the 1990-91 fiscal year to be used for general operations of said office.

COMMITTEE ON WAYS AND MEANS

By Representatives Kvalheim, Gaston, Harper, Zoghby, Rockhold, Turner, Buskey (JE), Warren, Kennedy, Clark (W), White, Laird, Turnham, Flowers, Holley, Penry, McMillan, Dolbare, Buskey (JL), Ford, Willis, Crow, Hogan, McKee, Curry, Cagle, Walker, Blakeney, Hooper, Parker (P), Parker (T), Knight, Hill, Sanderford, Sanderson, Gaines, McDowell, Bugg, Harvey, Hammett, Cosby, Poole, Newton (C), Hawkins, Carns, Bowling, Burke, Beasley, Mathis, Johnson, and Carothers:

H. 185. To make a supplemental appropriation from the general fund of the state treasury, for the current fiscal year, to the U.S.S. Alabama Battleship Commission if the U.S.S. Lexington is acquired by the commission.

COMMITTEE ON WAYS AND MEANS

By Representative Cosby:

H. 186. To require notice of intended relocation as a condition of any custody or visitation order.

COMMITTEE ON JUDICIARY

By Representative Cosby:

H. 187. To establish within each county a Child Visitation Office within the county human resources department to investigate visitation complaints and to mediate disputes concerning visitation.

COMMITTEE ON HEALTH

By Representative Rogers (J):

H. 188. To create an educational program in this state called the "Telecommunications Based Educational Opportunity Program" to provide grants to local school districts, junior colleges and four-year institutions of higher education and to Alabama Public Television in order to enhance educational opportunities using telecommunications technology; to create a fund for the said program which shall be financed by a sales, use and rental tax on computer software; to provide for the administration of the program by the Commission on Telecommunications Based Education; to provide for the creation of said commission, and for its membership, meetings, responsibilities and powers; to provide for the levy, collection and distribution of the said sales, use and rental tax on computer software and provide definitions; to amend Sections 40-23-1, 40-23-60 and 40-12-220 for such purposes; to provide for the video educational

programs and grants awarded pursuant to this act; and to authorize other instructional programs on a contract basis, including state employee training programs.

COMMITTEE ON WAYS AND MEANS

By Representative Rogers (J):

H. 189. Relating to the establishment of a state committee on drug abuse and alcoholism; the development of a comprehensive drug abuse and alcoholism plan; the establishment of a drug abuse and alcoholism division within the department of mental health and mental retardation; the requirement for a separate budget for drug abuse and alcoholism; and providing funding for residential drug abuse treatment services.

COMMITTEE ON WAYS AND MEANS

By Representative Rogers (J):

H. 190. To establish the "Family Responsibility Act of 1991"; to create an adolescent pregnancy prevention board; to provide for school age children and parents educational programs; to provide for parent and grandparent support of minor children; and to provide further for maternity coverage in certain insurance policies.

COMMITTEE ON WAYS AND MEANS

By Representative Rogers (J):

H. 191. To make an appropriation from the State General Fund for the support and maintenance of the Fourth Avenue YMCA, in Birmingham, Alabama, for the fiscal year ending September 30, 1992, and to require an operations plan prior to release of any funds.

COMMITTEE ON WAYS AND MEANS

By Representative Rogers (J):

H. 192. To exempt Partners in Neighborhood Growth, Inc., from the payment of all state, county and municipal sales and use taxes.

COMMITTEE ON WAYS AND MEANS

By Representative Rogers (J):

H. 193. Relating to alcoholic beverages; to authorize a countywide election or municipal elections to determine whether alcoholic beverages may be sold or dispensed on Sunday within any wet county or wet municipality in this state.

**COMMITTEE ON TOURISM, ENTERTAINMENT
AND SPORTS**

By Representative Rogers (J):

H. 194. To amend Section 14-9-41 of the Code of Alabama 1975, which relates to computation of incentive time deductions, so as to allow an inmate who has been sentenced to a term of 15 years or less in the state penitentiary to earn correctional incentive time in accordance with the other provisions of this section.

COMMITTEE ON JUDICIARY

By Representative Rogers (J):

H. 195. Relating to transfers of real property in this state, to require that written evidences of valid title searches and insurance shall accompany each instrument which purports to convey title to real property, including instruments offered for recordation in the probate judge's office, effective January 1, 1992.

COMMITTEE ON JUDICIARY

By Representative Rogers (J):

H. 196. Proposing an amendment to the Constitution of Alabama of 1901, creating the Alabama Stadium and Exposition District, defining its boundaries, objects, purposes, powers, duties and authority; and providing for the construction, financing, maintenance and operation of the facilities of said District and the administration and government thereof.

COMMITTEE ON LOCAL GOVERNMENT

The above bill was read a first time at length as required by the Constitution.

By Representative Powell:

H. 197. To amend Section 34-32-9, Code of Alabama 1975, relating to the qualifications for registration as professional soil classifiers, so as to provide further for such qualifications.

COMMITTEE ON AGRICULTURE, FORESTRY
AND NATURAL RESOURCES

By Representative Powell:

H. 198. To repeal Section 2-15-40 which defines dealer; to repeal Section 2-15-41 which requires a dealer permit for vehicles hauling livestock; to repeal Section 2-15-42 which provides for forfeiture of the permit for violation of rules and regulations; to repeal Section 2-15-43 which requires dealers to obtain bills of sale and to issue way-bills; to repeal Section 2-15-45 which authorizes the adoption of rules and regulations; to repeal Section 2-15-46 which provides punishment for violations of these Sections; to repeal Section 2-15-47 which exempts the buying or hauling of livestock when the person buying or hauling said livestock is using said livestock for the purpose of grazing, feeding or milking; to repeal Section 2-15-48 which allows the permit required under these Sections to be in addition to any

other license required by the state, county, or city.

COMMITTEE ON HIGHWAY SAFETY

By Representative Powell:

H. 199. To repeal Section 2-15-40 which defines dealer; to repeal Section 2-15-41 which requires a dealer permit for vehicles hauling livestock; to repeal Section 2-15-42 which provides for forfeiture of the permit for violation of rules and regulations; to repeal Section 2-15-43 which requires dealers to obtain bills of sale and to issue way-bills; to repeal Section 2-15-45 which authorizes the adoption of rules and regulations; to repeal Section 2-15-46 which provides punishment for violations of these Sections; to repeal Section 2-15-47 which exempts the buying or hauling of livestock when the person buying or hauling said livestock is using said livestock for the purpose of grazing, feeding or milking; to repeal Section 2-15-48 which allows the permit required under these Sections to be in addition to any other license required by the state, county, or city.

COMMITTEE ON HIGHWAY SAFETY

By Representative Harvey (With Notice and Proof):

H. 200. Relating to Blount County; reimbursing said county for lost revenues on property purchased by another county's municipal or county entity.

COMMITTEE ON LOCAL LEGISLATION NO. 1

I HEREBY CERTIFY THAT THE NOTICE & PROOF IS ATTACHED TO THE BILL, H. 200, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON, CLERK

By Representative Harvey (With Notice and Proof):

H. 201. Relating to Blount County; prohibiting the Birmingham Water Works Board from denying Blount County residents access to facilities built by said board for recreational purposes in Blount County and providing for Blount County to retain all rights for future water supplies from lakes in said county.

COMMITTEE ON LOCAL LEGISLATION NO. 1

I HEREBY CERTIFY THAT THE NOTICE & PROOF IS ATTACHED TO THE BILL, H. 201, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON, CLERK

By Representative Powell:

H. 202. To amend section 27-3-27, Code of Alabama 1975, relating to licensing of insurance agents, solicitors or brokers of insurance by insurers, so as to establish requirements and standards for continuing education programs for

such persons in Alabama and to provide certain exceptions.

COMMITTEE ON INSURANCE

By Representative Harper:

H. 203. To make annual appropriations for the support, maintenance and development of public education in Alabama and for debt service and capital improvements for the fiscal year ending September 30, 1992.

COMMITTEE ON WAYS AND MEANS

By Representative Harper:

H. 204. To make appropriations for the ordinary expenses of the executive, legislative and judicial agencies of the State, for other functions of government, for interest on the public debt, and for capital outlay for the fiscal year ending September 30, 1992.

COMMITTEE ON WAYS AND MEANS

By Representative Harper:

H. 205. To make an appropriation from the State General Fund to the Blue-Gray Association, Inc. in Montgomery for the fiscal year ending September 30, 1992, and to require an operations plan and audited financial statement prior to release of any funds.

COMMITTEE ON WAYS AND MEANS

By Representative Harper:

H. 206. To make an appropriation to the Project DARE drug education program in Birmingham, Alabama for the fiscal year ending September 30, 1992, and to require an operations plan and audited financial statement prior to release of any funds.

COMMITTEE ON WAYS AND MEANS

By Representative Harper:

H. 207. To make legislative findings and declarations concerning the meaning of the terms "educational purpose" or "educational purposes" as used in statutes and revenue acts earmarking funds for the Alabama Special Educational Trust Fund (ASETF) and to make an appropriation from the Alabama Special Educational Trust Fund to the Legislature for the fiscal year ending September 30, 1992, for educational purposes.

COMMITTEE ON WAYS AND MEANS

By Representative Harper:

H. 208. To make an appropriation from the Alabama Special Educational Trust Fund to the Children's Hospital in Birmingham, Alabama, for the fiscal year 1991-92 and to require an operations plan and audited financial statement prior to release of any funds.

COMMITTEE ON WAYS AND MEANS

By Representative Harper:

H. 209. To make an appropriation from the State General Fund to the America's Young Woman of the Year for the fiscal year ending September 30, 1992, and to require an operations plan and audited financial statement prior to release of any funds.

COMMITTEE ON WAYS AND MEANS

By Representative Harper:

H. 210. To make an appropriation from the State General Fund to the Alabama's Young Woman of the Year for the fiscal year ending September 30, 1992, and to require an operations plan and audited financial statement prior to release of any funds.

COMMITTEE ON WAYS AND MEANS

By Representative Harper:

H. 211. To make an appropriation to the Department of Education for the fiscal year ending September 30, 1992.

COMMITTEE ON WAYS AND MEANS

By Representative Harper:

H. 212. To make an appropriation from the Alabama Special Educational Trust Fund to the Alabama Shakespeare Festival for the fiscal year 1991-92 and to require an operations plan and audited financial statement prior to release of any funds; to require the condition of the donation of certain student tickets; to require the continuation of student discounts; and to require the reversion of funds appropriated upon certain violations of the provisions of this act.

COMMITTEE ON WAYS AND MEANS

By Representative Harper:

H. 213. To make an appropriation from the State General Fund to the Samson Historical Society for the fiscal year ending September 30, 1992, and to require an operations plan and audited financial statement prior to release of any funds.

COMMITTEE ON WAYS AND MEANS

By Representative Harper:

H. 214. To make legislative findings and declarations concerning the meaning of the terms "educational purpose" or "educational purposes" as used in statutes and revenue acts earmarking funds for the Alabama Special Educational Trust Fund (ASETF) and to make an appropriation from the Alabama Special Educational Trust Fund to the Examiners of Public Accounts for the fiscal year ending September 30, 1992, for educational purposes.

COMMITTEE ON WAYS AND MEANS

By Representative Harper:

H. 215. To make an appropriation from the State General Fund to the Civil Air Patrol-Alabama Wing for the fiscal year ending September 30, 1992, and to require an operations plan and audited financial statement prior to release of any funds.

COMMITTEE ON WAYS AND MEANS

By Representative Harper:

H. 216. To make an appropriation to the Governor's Commission on Physical Fitness for the fiscal year ending September 30, 1992.

COMMITTEE ON WAYS AND MEANS

By Representative Harper:

H. 217. To make an appropriation to the Department of Youth Services for the fiscal year ending September 30, 1992.

COMMITTEE ON WAYS AND MEANS

By Representative Harper:

H. 218. To make an appropriation from the State General Fund to the Coosa-Alabama River Improvement Association for the fiscal year ending September 30, 1992 and to require an operations plan and audited financial statement prior to release of any funds.

COMMITTEE ON WAYS AND MEANS

By Representative Harper:

H. 219. To make an appropriation from the Alabama Special Educational Trust Fund to the Central Alabama Opportunities Industrialization Center for the fiscal year 1991-92 and to require an operations plan and audited financial statement prior to release of any funds.

COMMITTEE ON WAYS AND MEANS

By Representative Harper:

H. 220. To make an appropriation from the State General Fund to the Mountain Lakes Tourist Association for the fiscal year ending September 30, 1992, and to require an operations plan and audited financial statement prior to release of any funds.

COMMITTEE ON WAYS AND MEANS

By Representative Harper:

H. 221. To make an appropriation from the State General Fund to the Lee County Historical Society for the fiscal year ending September 30, 1992 and to require an operations plan and audited financial statement prior to release of any funds.

COMMITTEE ON WAYS AND MEANS

By Representative Harper:

H. 222. To make an appropriation from the State General Fund to the Alabama Mining Museum for the fiscal year ending September 30, 1992, and to require an operations plan and audited financial statement prior to release of any funds.

COMMITTEE ON WAYS AND MEANS

By Representative Harper:

H. 223. To make an appropriation from the State General Fund to the Helen Keller Property Board for the fiscal year ending September 30, 1992 and to require an operations plan and audited financial statement prior to release of any funds.

COMMITTEE ON WAYS AND MEANS

By Representative Harper:

H. 224. To make an appropriation from the Alabama Special Educational Trust Fund to the Alabama League for the Advancement of Education for the fiscal year ending September 30, 1992, and to require an operations plan and audited financial statement prior to release of any funds.

COMMITTEE ON WAYS AND MEANS

By Representative Harper:

H. 225. To make an appropriation from the State General Fund to the Choctawhatchee-Pea River Conservancy for the fiscal year ending September 30, 1992, and to require an operations plan and audited financial statement prior to release of any funds.

COMMITTEE ON WAYS AND MEANS

By Representative Harper:

H. 226. To make an appropriation from the State General Fund to the W. C. Handy Property Board for the fiscal year ending September 30, 1992, and to require an operations plan and audited financial statement prior to release of any funds.

COMMITTEE ON WAYS AND MEANS

By Representative Harper:

H. 227. To make an appropriation from the Alabama Special Educational Trust Fund to the United Cerebral Palsy of Alabama, the United Cerebral Palsy Development Center for East Central Alabama, the Simpson-May Cerebral Palsy Center and the Cerebral Palsy Housing Foundation for the fiscal year 1991-92, and to require an operations plan and audited financial statement prior to release of any funds.

COMMITTEE ON WAYS AND MEANS

By Representative Harper:

H. 228. To make an appropriation for the support and maintenance of the Special Schools for Special Education for the fiscal year ending September 30, 1992, and to require an operations plan and audited financial statement prior to release of any funds.

COMMITTEE ON WAYS AND MEANS

By Representative Harper:

H. 229. To make supplemental appropriations to the Alabama Department of Economic and Community Affairs in the amount of Eight hundred forty-four thousand dollars (\$844,000) for the fiscal year ending September 30, 1991.

COMMITTEE ON WAYS AND MEANS

By Representative Harper:

H. 230. To make an appropriation to Fort Gaines for support and maintenance and for capital outlay for the fiscal year ending September 30, 1992, and requires an operations plan and audited financial statement prior to release of any funds.

COMMITTEE ON WAYS AND MEANS

By Representative Harper:

H. 231. To make an appropriation from the State General Fund to the Lighthouse Counseling Center for the fiscal year ending September 30, 1992, and to require an operations plan and audited financial statement prior to release of any funds.

COMMITTEE ON WAYS AND MEANS

By Representative Harper:

H. 232. To make an appropriation to the Exploreum Museum of Discovery for the fiscal year ending September 30, 1992, and to require an audited financial statement and operations plan prior to release of any funds.

COMMITTEE ON WAYS AND MEANS

By Representative Harper:

H. 233. To make an appropriation from the State General Fund to the Elyton Recovery Center for the fiscal year ending September 30, 1992, and to require an operations plan and audited financial statement prior to release of any funds.

COMMITTEE ON WAYS AND MEANS

By Representative Harper:

H. 234. To make an appropriation from the Alabama Special Educational Trust Fund to the East Alabama Child Development Center for the fiscal year 1991-92 and to require an operations plan and audited financial statement prior to release of any funds.

COMMITTEE ON WAYS AND MEANS

By Representative Harper:

H. 235. To make an appropriation for the support and maintenance of the Emergency Medical Services Programs for the fiscal year ending September 30, 1992, and to require an operations plan and audited financial statement prior to release of any funds.

COMMITTEE ON WAYS AND MEANS

By Representative Harper:

H. 236. To make an appropriation from the State General Fund to the Dothan Landmarks Foundation for the fiscal year ending September 30, 1992, and to require an operations plan and audited financial statement prior to release of any funds.

COMMITTEE ON WAYS AND MEANS

By Representative Harper:

H. 237. To make an appropriation for the support and maintenance of the Marion Military Institute for the fiscal year ending September 30, 1992.

COMMITTEE ON WAYS AND MEANS

By Representative Harper:

H. 238. To make an appropriation from the Alabama Special Educational Trust Fund to the Kate Duncan Smith DAR School for the fiscal year 1991-92 and to require an operations plan and audited financial statement prior to release of any funds.

COMMITTEE ON WAYS AND MEANS

By Representative Harper:

H. 239. To make an appropriation for the support and maintenance of the Talladega College for the fiscal year ending September 30, 1992.

COMMITTEE ON WAYS AND MEANS

By Representative Harper:

H. 240. To make an appropriation for the support and maintenance of Tuskegee University for the fiscal year ending September 30, 1992.

COMMITTEE ON WAYS AND MEANS

By Representative Harper:

H. 241. To make an appropriation from the Alabama Special Educational Trust Fund to the Alabama Humanities Foundation for the fiscal year ending September 30, 1992 and to require an audited financial statement and operations plan prior to release of any funds.

COMMITTEE ON WAYS AND MEANS

By Representative Harper:

H. 242. To make an appropriation for the support and maintenance of the Walker County Junior College for the fiscal year ending September 30, 1992.

COMMITTEE ON WAYS AND MEANS

By Representative Harper:

H. 243. To make an appropriation from the State General Fund to the Commission on Aging for the Care Assurance System for the Aging and Homebound for the fiscal year ending September 30, 1992, and to require an operations plan and audited financial statement prior to release of any funds.

COMMITTEE ON WAYS AND MEANS

By Representative Harper:

H. 244. To make an appropriation from the State General Fund to the

Beacon House - Jasper for the fiscal year ending September 30, 1992, and to require an operations plan and audited financial statement prior to release of any funds.

COMMITTEE ON WAYS AND MEANS

By Representative Harper:

H. 245. To make legislative findings and declarations concerning the meaning of the terms "educational purpose" or "educational purposes" as used in statutes and revenue acts earmarking funds for the Alabama Special Educational Trust Fund (ASETF) and to make an appropriation from the Alabama Special Educational Trust Fund to the Legislative Fiscal Office for the fiscal year ending September 30, 1992, for educational purposes.

COMMITTEE ON WAYS AND MEANS

By Representative Harper:

H. 246. To make an appropriation from the Alabama Special Educational Trust Fund for the support and maintenance of Camp ASCCA, in Jackson Gap, Alabama for the fiscal year ending September 30, 1992, and to require an operations plan and audited financial statement prior to release of any funds.

COMMITTEE ON WAYS AND MEANS

By Representative Harper:

H. 247. To make an appropriation from the Alabama Special Educational Trust Fund to the Children's and Women's Hospital in Mobile, Alabama, for the fiscal year 1991-92, and to require an operations plan and audited financial statement prior to release of any funds.

COMMITTEE ON WAYS AND MEANS

By Representative Harper:

H. 248. To make an appropriation from the State General Fund to the Coalition Against Domestic Violence for the fiscal year ending September 30, 1992, and to require an operations plan and audited financial statement prior to release of any funds.

COMMITTEE ON WAYS AND MEANS

By Representative Harper:

H. 249. To make an appropriation from the State General Fund to the Pea River Historical Society for the fiscal year ending September 30, 1992, and to require an operations plan and audited financial statement prior to release of any funds.

COMMITTEE ON WAYS AND MEANS

By Representative Harper:

H. 250. To make an appropriation from the State General Fund to the Child Advocacy Centers for the fiscal year ending September 30, 1992, and to require operations plans and audited financial statements prior to release of any funds.

COMMITTEE ON WAYS AND MEANS

By Representative Harper:

H. 251. To make an appropriation from the State General Fund to the Alabama Council for Parenting and Protecting Children, Inc. for the fiscal year ending September 30, 1992, and to require an operations plan and audited financial statement prior to release of any funds.

COMMITTEE ON WAYS AND MEANS

By Representative Harper:

H. 252. To make an appropriation from the State General Fund to the Pike County Pioneer Museum for the fiscal year ending September 30, 1992, and to require an operations plan and audited financial statement prior to release of any funds.

COMMITTEE ON WAYS AND MEANS

By Representative Harper:

H. 253. To make an appropriation from the State General Fund to the Alabama Travel Council for the fiscal year ending September 30, 1992, and to require an operations plan and audited financial statement prior to release of any funds.

COMMITTEE ON WAYS AND MEANS

By Representative Harper:

H. 254. To make an appropriation from the State General Fund to the Citronelle Historical Society for the fiscal year ending September 30, 1992, and to require an operations plan and audited financial statement prior to release of any funds.

COMMITTEE ON WAYS AND MEANS

By Representative Harper:

H. 255. To make an appropriation from the State General Fund to the Tri-Rivers Waterway Development Association for the fiscal year ending September 30, 1992, and to require an operations plan and audited financial statement prior to release of any funds.

COMMITTEE ON WAYS AND MEANS

By Representative Harper:

H. 256. To make an appropriation from the State General Fund to the St. Clair Historical Society for the fiscal year ending September 30, 1992, and to require an operations plan and audited financial statement prior to release of any funds.

COMMITTEE ON WAYS AND MEANS

By Representative Harper:

H. 257. To make an appropriation from the State General Fund to the Slocomb Historical Society for the fiscal year ending September 30, 1992, and to require an operations plan and audited financial statement prior to release of any funds.

COMMITTEE ON WAYS AND MEANS

By Representative Harper:

H. 258. To make an appropriation from the State General Fund to the Retired Senior Volunteer Program for the fiscal year ending September 30, 1992, and to require an operations plan prior to release of any funds.

COMMITTEE ON WAYS AND MEANS

By Representative Harper:

H. 259. To make an appropriation from the State General Fund to the Southern Museum of Flight for the fiscal year ending September 30, 1992, and to require an operations plan and audited financial statement prior to release of any funds.

COMMITTEE ON WAYS AND MEANS

By Representative Harper:

H. 260. To make an appropriation from the State General Fund to the Warrior-Tombigbee Development Association for the fiscal year ending September 30, 1992, and to require an operations plan and audited financial statement prior to release of any funds.

COMMITTEE ON WAYS AND MEANS

By Representative Harper:

H. 261. To make an appropriation from the Alabama Special Educational Trust Fund to the Sickle Cell Education Program for the fiscal year ending September 30, 1992, and to require an operations plan and audited financial statement prior to release of any funds.

COMMITTEE ON WAYS AND MEANS

By Representative Harper:

H. 262. To amend Section 40-21-58, Code of Alabama 1975, to change the payment date from September 25 to August 25 of the license or privilege tax levied upon each person engaged in the telephone business.

COMMITTEE ON WAYS AND MEANS

By Representative Harper:

H. 263. To make legislative findings and declarations concerning the meaning of the terms "educational purpose" or "educational purposes" as used in statutes and revenue acts earmarking funds for the Alabama Special Educational Trust Fund (ASETF) and to make an appropriation from the Alabama Special Educational Trust Fund to the Legislative Reference Service for the fiscal year ending September 30, 1992, for educational purposes.

COMMITTEE ON WAYS AND MEANS

By Representative Harper:

H. 264. To make an appropriation to the Department of Public Health for the fiscal year ending September 30, 1992 for educational purposes.

COMMITTEE ON WAYS AND MEANS

By Representative Harper:

H. 265. To amend Section 41-4-17, Code of Alabama, 1975, as amended, so as to eliminate the State Capitol building from exception of rent.

COMMITTEE ON WAYS AND MEANS

By Representative Harper:

H. 266. To amend Act No. 90-556 of the Regular Session, 1990, as it amended Act NO. 89-79 of the Regular Session, 1989, as it amended Act No. 88-947 of the 1st Extraordinary Session, 1988, as it amended Act No. 87-761 of the Regular Session, 1987, as it amended Section 4 of Act No. 86-645 of the 1st Extraordinary Session, 1986, concerning the repayment of funds transferred from Fund No. 305735 by said Act.

COMMITTEE ON WAYS AND MEANS

By Representative Harper:

H. 267. To amend Section 2-C-52 of Act 90-764 of the Regular Session, 1990, so as to eliminate the requirement for a transfer to the State General Fund of \$2,000,000 from the Capitol Complex Maintenance and Repair Fund.

COMMITTEE ON WAYS AND MEANS

By Representative Harper:

H. 268. To make a conditional appropriation from the State General Fund for the sum of One million dollars (\$1,000,000) to the Department of Conservation and Natural Resources for the Forever Wild Program for the fiscal year ending September 30, 1992.

COMMITTEE ON WAYS AND MEANS

By Representative Harper:

H. 269. To make a conditional appropriation from the State General Fund to the Alabama Department of Industrial Relations for the sum of Eighty-one thousand five hundred dollars (\$81,500) for the fiscal year ending September 30, 1991.

COMMITTEE ON WAYS AND MEANS

By Representative Harper:

H. 270. To make an appropriation for the support and maintenance of the Lyman Ward Military Academy for the fiscal year ending September 30, 1992.

COMMITTEE ON WAYS AND MEANS

By Representative Harper:

H. 271. To make an appropriation for the support and maintenance of the Coosa Valley Medical Center School of Nursing for the fiscal year ending September 30, 1992.

COMMITTEE ON WAYS AND MEANS

By Representative Harper:

H. 272. To make an appropriation from the Alabama Special Educational Trust Fund to the Alabama YMCA Youth and Government for the fiscal year ending September 30, 1992, and to require an operations plan and audited financial statement prior to release of any funds.

COMMITTEE ON WAYS AND MEANS

By Representative Harper:

H. 273. To amend Section 23-1-21, Code of Alabama, 1975, to provide for the salary of the Highway Director and Assistant Highway Director.

COMMITTEE ON WAYS AND MEANS

By Representatives Box and Harper:

H. 274. To prohibit the construction of, lease-purchase arrangement for and long-term rental or leasing of buildings by state departments without legislative authorization.

COMMITTEE ON WAYS AND MEANS

By Representative Harper:

H. 275. To impose a tax on the gross receipts from the sale of sulfur produced in the State of Alabama.

COMMITTEE ON WAYS AND MEANS

By Representative Harper:

H. 276. To propose an amendment to the Constitution of Alabama of 1901, as amended, which relates to the authority of the Alabama Conservation and Natural Resources Building Authority to constitute an authority to issue general obligation bonds for capital outlay purposes and for the purposes for which it was created and to prescribe the powers thereof; to provide for the operation of such authority, the allocation and expenditure of funds; to provide for exemptions from any and all taxes of any nature whatsoever; to provide that in the event appropriations, current revenues or bonds proceeds are insufficient to cover costs, the State of Alabama shall pledge its full faith and credit; to provide that the legislature may enact subsequent legislation relating to the environmental educational complex and office building facility supplemental to this amendment or in furtherance of the purposes and objectives of the provisions not in conflict herewith; and to provide that this amendment shall be self-executing when approved by a majority of the qualified electors voting thereon and in accordance with Sections 284, 285 and 287 of the Constitution of Alabama of 1901, as amended.

COMMITTEE ON WAYS AND MEANS

The above bill was read a first time at length as required by the Constitution.

By Representative Harper:

H. 277. To amend Section 40-17-31, Code of Alabama 1975, relating to the gasoline tax, so as to further provide for a certain legislative finding of fact, to provide that two percent (2%) of all state imposed taxes collected on the sale of gasoline (except gasoline and other fuels consumed in airplanes) shall be credited fifty percent (50%) to the state water safety fund and fifty percent (50%) to the seafood fund.

COMMITTEE ON WAYS AND MEANS

By Representative Harper:

H. 278. To establish an act relating to early intervention services for infants and toddlers with disabilities, and their families; to establish a state interagency coordinating council; to establish the responsibilities of the lead agency and authorize it to implement Part H of Public Law 99-457 in conjunction with the participating agencies and providers; to provide timetables for implementation of a statewide, comprehensive, interagency, coordinated system of early intervention services; and for related purposes.

COMMITTEE ON WAYS AND MEANS

By Representative Harper:

H. 279. To provide for immunity for certain persons responding to certain oil spills.

COMMITTEE ON WAYS AND MEANS

By Representative Harper:

H. 280. To require an additional fee for licensure and renewal of licenses as a general contractor and providing that the revenue derived from such additional fees shall be distributed to institutions of higher education offering certain courses of study.

COMMITTEE ON WAYS AND MEANS

By Representative Harper:

H. 281. To appropriate the sum of \$860,000.00 from the Alabama Special Educational Trust Fund to the State Department of Education for the fiscal year ending September 30, 1991.

COMMITTEE ON WAYS AND MEANS

By Representative Harper:

H. 282. This bill amends Section 2-5-14, Code of Alabama, 1975, to further define the disposition of funds.

COMMITTEE ON WAYS AND MEANS

By Representatives Harper, Zoghby, Rockhold, Gaston, Penry, McMillan, and Kvalheim:

H. 283. To amend Section 33-4-38, Code of Alabama 1975, which provides for the levy, payment and disposition of ship pilot's license tax, so as to increase the amount thereof.

COMMITTEE ON WAYS AND MEANS

By Representative Harper:

H. 284. To amend Section 1-3-4, Code of Alabama, 1975, which provides for the definition of the fiscal year for the state, so as to change the date of said fiscal year; to provide for a nine-month implementation fiscal year from October 1, 1991 through June 30, 1992; to authorize the Governor to promulgate procedures he deems necessary to implement the provisions of this act; to provide that all appropriations made for the term that is the current lawful fiscal year 1991-92 shall be allotted to conform with the nine-month implementation fiscal year and the first quarter of the 1992-93 fiscal year; to provide that all sum certain distributions of tax revenue shall be made at 75% of the sum certain amounts during the implementation fiscal year; and to authorize conformity of dates with the new fiscal year as provided herein with the Code of Alabama, 1975.

COMMITTEE ON WAYS AND MEANS

By Representative Harper:

H. 285. To make an appropriation from the State General Fund to the Fort Payne Depot for the fiscal year ending September 30, 1992, and to require an operations plan and audited financial statement prior to release of any funds.

COMMITTEE ON WAYS AND MEANS

By Representative Harvey:

H. 286. To provide for an appropriation from the Alabama Special Educational Trust Fund to the Blount County Board of Education (J. B. Pennington High School) for the fiscal year ending September 30, 1992.

COMMITTEE ON WAYS AND MEANS

By Representatives Newton (C), Johnson, Beasley, Carothers, Mathis, Warren, Mikell, and Black (L):

H. 287. To address the nursing shortage affecting the Alabama Department of Public Health in rural areas by providing for loans for books, tuitions, fees, and other educationally-related expenses incurred by employees of the Alabama Department of Public Health attending nursing school on a part-time or full-time basis; to require such loan recipients to enter into a contract committing them to work as nurses full-time for the health department or for a federally-funded community health center in a rural area or underserved area of the state for at least four years; to provide for forgiveness of such loans for recipients who serve the health department in rural or underserved areas; to provide civil penalties for loan recipients who fail to honor the contract; to provide for full-time or part-time employment for such recipients while attending school.

COMMITTEE ON WAYS AND MEANS

By Representative Carothers:

H. 288. Providing for the permitting and regulation of persons, firms, associations and corporations engaged in the alarm systems business in this state under the regulatory authority of the state fire marshal; authorizing the state fire marshal to prescribe fees for certain permits and identification cards related to such business; prescribing penalties for enforcement and providing procedures for the administration of this act.

COMMITTEE ON HEALTH

By Representatives Carothers, Johnson, Haynes, Biddle, Hawkins, Harvey, Beasley, Freeman, Bowling, Ford, Flowers, Hooper, Campbell, Thomas, McDowell, Kvalheim, Clark (J), and Buskey (JL):

H. 289. To establish the requirements for informed consent for HIV testing; to provide that informed consent shall be implied under certain stated factual circumstances; to provide for counseling, referral to appropriate health care services, and explanation of individual responsibility shall be provided to any individual testing positive for HIV; and to provide for the confidentiality of HIV test results.

COMMITTEE ON HEALTH

By Representatives Rich and Smith (R):

H. 290. Proposing an amendment to Amendment No. 339 to the Constitution of Alabama of 1901, as amended, which provides for legislative sessions and length of regular and budgetary and appropriation sessions, so as to further provide therefor; repealing Amendment No. 448 to the Constitution of 1901, as amended, which commonly is cited as the "Budget Isolation Amendment"; and providing for an election on ratification in accordance with the Constitution of 1901.

COMMITTEE ON CONSTITUTION AND ELECTIONS

The above bill was read a first time at length as required by the Constitution.

By Representatives Rich, Curry, Smith (R), Sanderson, Petelos, Gaines, Sanderford, McDaniel, and Powell:

H. 291. To amend Section 16-36-2 of the Code of Alabama 1975, relating to the composition, appointment and terms of the members of the state textbook committee, so as to provide further therefor; to increase the number of members and divide the appointments between the state board of education and the governor, and to remove the superintendent of education from such process.

COMMITTEE ON EDUCATION

By Representatives Butler, Beasley, Johnson, Mikell, Smith (C), and Bowling:

H. 292. To amend Section 34-23-1, and 34-23-32, Code of Alabama 1975, which requires the annual registration of drug manufacturers with the state board of pharmacy, so as to likewise require wholesale distributors of drugs to register annually with said board, and to increase the board's fee for permits and renewals of permits.

COMMITTEE ON HEALTH

By Representatives Beasley, White, Johnson, Mikell, Richardson, Laird, Carter, Carothers, Mathis, Thomas, Williams, Warren, Newton (C), Haynes, Flowers, Hall, Clay, Cosby, Kvalheim, Smith (C), Bowling, and Knight:

H. 293. Relating to unemployment compensation; to amend Section 25-4-32 of the Code of Alabama 1975, so as to make indefinite the authority to requisition certain funds credited to the state's trust fund account in the United States treasury pursuant to Section 903 of the Social Security Act in compliance with a recent congressional amendment; to amend sections 25-4-40 and 25-4-54, Code of Alabama 1975, so as to extend the Employment Security Administration Enhancement Act through December 31, 1994; to make permanent the provisions for relief to certain employees affected by a declared natural disaster and to clarify the procedure for determining shared costs.

COMMITTEE ON BUSINESS AND LABOR

By Representative Beasley:

H. 294. To amend Sections 13A-9-13.1, 13A-9-13.2, 8-8-15 and 12-17-224, Code of Alabama 1975, which relate to restitution for the negotiation of a worthless check or other negotiable instrument; so as to increase the service charge on such worthless checks or instruments.

COMMITTEE ON BUSINESS AND LABOR

By Representatives Beasley, Flowers, Hooper, Knight, Bowling, Harvey, Sanderford, White, Williams, Starkey, Rogers (J), Laird, Payne, Anderson, Zoghby, Rockhold, Smith (C), Newton (C), Rogers (F), Kennedy, Campbell, Cullins, Holley, McMillan, Clay, Walker, Willis, McKee, Crow, Cagle, Hogan, Blakeney, Black (L), Mikell, Thomas, Poole, McDaniel, Mathis, Warren, Holladay, Layson, Fuller, Turnham, Buskey (JE), Johnson, Carothers, Venable, and Kvalheim:

H. 295. To amend Section 36-21-8, Code of Alabama 1975, relating to certain law enforcement officers retaining their badge and pistol as part of retirement benefits, to include certain law enforcement officers who are employees of the state forestry commission.

COMMITTEE ON HEALTH

By Representatives Beasley, Johnson, Mikell, Smith (C), Bowling, and Butler:

H. 296. To amend Section 34-23, , Code of Alabama 1975, which covers Third Party Prescription Programs (or do we amend Insurance Code).

COMMITTEE ON HEALTH

By Representatives Letson, Anderson, Butler, Bowling, Beasley, Black (M), and Haynes:

H. 297. To provide for registered nurses in the public schools.

COMMITTEE ON WAYS AND MEANS

By Representative Letson:

H. 298. To amend Section 11-50-313, Code of Alabama 1975, which relates to municipal water works boards, so as to provide further for the compensation of members of the boards.

COMMITTEE ON LOCAL GOVERNMENT

By Representatives Mikell, Beasley, Johnson, and Butler:

H. 299. To amend Section 34-23, , Code of Alabama 1975, which covers Third Party Prescription Programs (or do we amend Insurance Code).

COMMITTEE ON HEALTH

By Representatives Fuller, Holley, McDowell, Lindsey, Letson, Buskey (JL), Mikell, Burke, Thomas, White, Newman, Spratt, McKee, Smith (C), Payne, Knight, Hill, Harvey, Laird, Morrow, Powell, Willis, and Walker:

H. 300. To amend Sections 34-22-1, 34-22-2, 34-22-6, 34-22-20, 34-22-23 and 34-22-42, Code of Alabama 1975, all of which relate to the regulation of practice of optometry, so as to further define the practice of optometry; to extend the objects and purposes of the chapter; to further enumerate certain unlawful acts; to provide further for examination and qualification of applicants; to provide further grounds for revocation and suspension; to provide for additional powers and duties of board; and to provide further for the practice of optometry.

COMMITTEE ON INSURANCE

By Representative Campbell:

H. 301. To propose a self-executing amendment to the Constitution of Alabama of 1901, as amended, that will declare the will of the people of the State of Alabama to secure the preservation and enjoyment of natural lands and waters that are a part of their natural heritage; to create by such amendment a permanent trust to be known as the Alabama Forever Wild Land Trust for the acquisition, protection and preservation of such lands and waters for

conservational and recreational purposes; to create a board of trustees to govern said trust; to determine the powers of said board of trustees; to provide that such lands and waters acquired by said trust will be acquired and managed in accordance with standards assuring maximum public use and enjoyment consistent with the nature of such resources; to guarantee that the acquisition and conservation program of such trust will not impair existing property rights or interfere with needs of utilities and other business organizations having the power to condemn property for public use and necessity; to provide a stable source of funding for said trust from certain oil and gas capital payments to be received by the State in the future; to establish special accounts as part of said trust to provide for a natural heritage program and to ensure proper stewardship of such lands and waters acquired by said trust; to provide for donations of property to said trust, dedication of natural areas, and conservation restrictions and easements; to coordinate the funding of said trust with commitments previously made by law to the counties and municipalities of the State for funds derived from the Alabama Trust Fund; and to create county and municipal improvement funds as a permanent part of the Alabama Trust Fund.

COMMITTEE ON WAYS AND MEANS

The above bill was read a first time at length as required by the Constitution.

By Representative Knight:

H. 302. To amend Section 16-5-11, Code of Alabama 1975, relating to the Alabama Commission on Higher Education's responsibility for certain functions regarding student financial assistance to include certain scholarships and other benefits.

COMMITTEE ON WAYS AND MEANS

By Representative Knight:

H. 303. Prescribing a certain statute of limitations on certain audits used by the retirement systems of Alabama to determine certain service credit time to be used for qualifying a system member for retirement benefits.

COMMITTEE ON WAYS AND MEANS

By Representatives Petelos, Sanderson, and Millican:

H. 304. To provide authority for the department of corrections to make disposition of funds deserted by inmates or their families or designated beneficiary or personal representatives due to escape, parole, release, death or execution; to provide for the time at which such funds are deemed deserted; and to provide that such deserted funds shall escheat to the State of Alabama, department of corrections; and to continuously appropriate such escheated funds to the department of corrections operating funds for current use.

COMMITTEE ON WAYS AND MEANS

By Representatives Smith (C), Powell, Venable, and Mikell:

H. 305. To create a new circuit judgeship in the nineteenth judicial circuit and to provide for residency requirements for judgeship number 1, judgeship number 2 and judgeship number 3.

COMMITTEE ON WAYS AND MEANS

By Representatives Walker, Laird, Knight, Poole, Hammett, Mikell, and Blakeney:

H. 306. To amend Section 15-19-1, Code of Alabama 1975, relating to arraignment as youthful offender status, so as to provide further for said arraignment.

COMMITTEE ON JUDICIARY

By Representative Bugg:

H. 307. To amend Section 16-24-2, Code of Alabama 1975, relating to the teacher tenure law, so as to provide that the boards of education must notify in writing probationary teachers who are terminated.

COMMITTEE ON EDUCATION

By Representative Bugg:

H. 308. To prohibit the operation of vessels unless each person on board is wearing a United States Coast Guard approved life preserver, and to provide for penalties.

COMMITTEE ON HEALTH

By Representative Bugg:

H. 309. Relating to motor vehicles; requiring as a condition of registration that every person applying for the registration or licensing of a motor vehicle shall secure and pay the premium on a motor vehicle liability insurance policy issued by an insurance company authorized to transact business within the state of Alabama, or otherwise establish financial responsibility, and to facilitate the procuring of such insurance to provide for an assigned risk plan among insurance companies for the equitable apportionment among such companies of undesirable risks.

COMMITTEE ON INSURANCE

By Representative Bugg:

H. 310. To amend Sections 35-4-382, 35-4-383 and 35-4-384 of the Code of Alabama 1975, relating to the conveyance, leasing, exchange and disposition of state real estate, so as to require notice and a public hearing prior to any

conveyance, lease, exchange or disposition.

COMMITTEE ON STATE ADMINISTRATION

By Representative Holladay:

H. 311. To propose an amendment to the Constitution of Alabama of 1901; to authorize the operation of bingo games for prizes or money by certain nonprofit organizations for charitable or educational purposes in St. Clair County.

COMMITTEE ON LOCAL LEGISLATION NO. 1

The above bill was read a first time at length as required by the Constitution.

By Representative Holladay (With Notice and Proof):

H. 312. Relating to St. Clair County; to provide for the operation of bingo games for prizes or money only by qualified organizations for bona fide charitable, educational or other lawful purposes; to provide for permits or licenses, applications, forms and contents to operate bingo; to provide for special permits or licenses; to prohibit certain activities and impose special requirements; to provide for fees and expenses; to provide for the disposition of proceeds; to provide for the operation of bingo; to provide for the keeping of records and their inspection; to provide for the issuance and revocation of permits or licenses; to provide for supervision by the circuit court; to provide for certain powers and duties of the sheriff; to provide for penalties and forfeitures; and to provide that this act shall become effective upon the adoption of an amendment to the Constitution of Alabama of 1901 authorizing bingo in St. Clair County.

COMMITTEE ON LOCAL LEGISLATION NO. 1

I HEREBY CERTIFY THAT THE NOTICE & PROOF IS ATTACHED TO THE BILL, H. 312, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON, CLERK

By Representative Turnham:

H. 313. To amend Section 32-2-25, Code of Alabama 1975, as amended, which provides for arrest fees, by state troopers, so as to increase said fee and provide for its disposition; and makes certain appropriations to the Department of Public Safety capital improvement, building maintenance and vehicle purchase fund.

COMMITTEE ON WAYS AND MEANS

By Representative Lindsey:

H. 314. To amend Section 11-45-2, Code of Alabama 1975, so as to provide

that in all towns and in cities of less than 12,000 population, no ordinance or resolution, intended to be of permanent operation shall be valid unless, on its final passage, a majority of the members elected to the council, including the mayor, shall vote in its favor.

COMMITTEE ON LOCAL GOVERNMENT

By Representatives Burke, Lindsey, and Butler:

H. 315. To grant certain rights to public school employees pertaining to their own personnel records, and to establish other regulations regarding said records.

COMMITTEE ON EDUCATION

By Representative Rogers (J):

H. 316. Relating to public institutions of higher education of this state; so as to require the filing of certain information relating to legal fees and expenses by such institutions, and to provide for public access to such information.

COMMITTEE ON WAYS AND MEANS

By Representative Gullatt:

H. 317. To authorize municipalities and counties to provide assistance to the governing body of any other municipality or county when such municipality or county has been declared a disaster area by the Governor of the State of Alabama or by the President of the United States, and provides a procedure by which such assistance may be implemented.

COMMITTEE ON LOCAL GOVERNMENT

By Representatives Williams and Layson:

H. 318. Relating to the eradication and control of swine diseases; to make a conditional appropriation to the Department of Agriculture and Industries for the fiscal year ending September 30, 1992, to indemnify owners of swine for the value of any swine ordered condemned and destroyed for the prevention and eradication of the disease of hog cholera, African swine fever and other swine diseases.

COMMITTEE ON WAYS AND MEANS

By Representative Box:

H. 319. Provides for the appointment of a private non-profit corporation by the courts to serve as guardian or conservator or both for persons who are developmentally disabled. Establishes further qualifications for such organizations to be appointed and designates the Alabama Department of Mental Health/Mental Retardation to develop guidelines for the activities of those corporations appointed as Guardian or Conservator for a person with developmental disabilities.

COMMITTEE ON JUDICIARY

By Representative Box:

H. 320. To amend the Code of Alabama 1975, Section 6-2-8 to remove the category of "persons imprisoned on a criminal charge for any term less than life" from the list of persons who are considered to be under a civil disability with respect to commencing an action, making entry on land, or defending against an action and, as a result of said disability, are, under present law, permitted an additional three years, or the period allowed by law for the commencement of such action if it be less than three years, after release from prison, to commence a civil action, to make entry on land or to enter a defense founded on the title to real property, since inmates in all state penal institutions now have access to law libraries, administrative remedies and access to courts available.

COMMITTEE ON JUDICIARY

By Representatives Box, Turner, Goodwin, Mathis, White, Hall, Ford, Cagle, and Hogan:

H. 321. To amend further section 25-4-78, Code of Alabama 1975, relating to disqualifications for unemployment compensation benefits effective January 1, 1991, so as to remove lockout from the disqualifications.

COMMITTEE ON BUSINESS AND LABOR

By Representative Rich:

H. 322. To amend section 22-3OB-2 of the Code of Alabama to remove court-stated objections to differences in hazardous waste disposal fees based on point of origin, by establishing a single base fee of \$104.60 per ton to be paid by operators of commercial hazardous waste disposal sites for all waste or substances disposed of at such sites effective July 15, 1990, until passage of this legislation and \$93.75 per ton beginning the first month thereafter; and to amend Sections 22-3OB-2.1 and 22-3OB-2.2 to allocate the new fee to the same uses as the previous fees; and to amend Section 22-3OB-4 to consolidate all county fees and provide for their collection by the counties.

COMMITTEE ON WAYS AND MEANS

By Representatives Haynes, Johnson, Mathis, Carothers, Beasley, Flowers, Thomas, Turner, Harper, Kennedy, Warren, Higginbotham, Newman, and Rogers (J):

H. 323. Authorizing the director of the department of public safety to open certain criminal history information on individuals for inspection, copying and mechanical reproduction; authorizing certain minimum fees for costs incurred in providing such information; providing for disposition of the proceeds from such fees; authorizing said department to promulgate and implement administrative regulations and procedures for this act; and prescribing penalties for violations of this act and providing for disclaimer of certain liability.

COMMITTEE ON JUDICIARY

1st Day

By Representatives Haynes, Johnson, Mathis, Carothers, Beasley, Thomas, Turner, Poole, Harper, Kennedy, Warren, Starkey, Higginbotham, Rogers (J), and Newman:

H. 324. To amend Section 36-26-36.1 of the Code of Alabama 1975, relating to sick leave for state employees and teachers so as to provide further for the accumulation and use of such sick leave in determining years of creditable service in the employees' or teachers' retirement system of Alabama.

COMMITTEE ON WAYS AND MEANS

By Representative Haynes:

H. 325. To amend Sections 12-17-220 and 36-26-10, Code of Alabama 1975, relating to certain employees within the district attorneys' offices and the State Merit System, so as to provide that assistant district attorneys, investigators, clerical, secretarial and other personnel employed in a district attorney's office serve at the pleasure of the district attorney and are in the exempt service of the state and to provide for its retroactive effect.

COMMITTEE ON STATE ADMINISTRATION

By Representatives Hamilton, Holley, Black (M), Carter, Parker (P), Lindsey, Butler, Laird, Layson, Smith (R), Richardson, Poole, Hill, Knight, Letson, Anderson, and Warren:

H. 326. To prohibit those nonresidents fishing pursuant to sport fishing licenses provided for in Sections 9-11-55 and 9-11-56, Code of Alabama 1975, from taking or attempting to take fish from the public waters of this State by means of one or more trotlines having a combination of more than one hundred hooks, to require daily inspection of permissible trotlines and to prescribe certain criminal penalties.

**COMMITTEE ON AGRICULTURE, FORESTRY
AND NATURAL RESOURCES**

By Representative Rogers (F):

H. 327. To amend Section 15-9-62, Code of Alabama 1975, which relates to the payment of expenses incurred in the extradition of prisoners, so as to increase the mileage allowance.

COMMITTEE ON WAYS AND MEANS

By Representatives Turner and Laird:

H. 328. To amend Section 40-25-2 of the Code of Alabama 1975, so as to increase the levy on the sale of cigarettes within this state from 8.25 mills per cigarette to 9.75 mills per cigarette; amend Section 40-25-4 to eliminate redundant language; amend 40-25-23 to provide that under the administration of the Alabama Forestry Commission a portion of the additional revenue generated shall

be distributed for use by certified volunteer fire departments, by rescue squads which provide emergency medical services, by independent volunteer rescue squads meeting standards established by the Alabama Association of Rescue Squads, and the remainder shall be distributed to the Alabama Water System Assistance Authority, the state parks fund, and the state general fund; and amend section 40-25-5 to retain distributors' discounts at the current value.

COMMITTEE ON WAYS AND MEANS

By Representatives Butler, Fuller, Freeman, Hooper, Starkey, Parker (T), Campbell, Zoghby, Warren, Hall, Box, Williams, White, Layson, Clay, Flowers, Higginbotham, Beasley, Hammett, Carter, Mikell, Carns, McKee, Kvalheim, Burke, Hawkins, Petelos, Buskey (JL), Carothers, Bugg, Penry, Sanderford, Hill, Turnham, Gaston, Harper, Powell, Willis, McMillan, Laird, Thomas, Poole, Turner, Haynes, Spratt, Hogan, Millican, Payne, Walker, Knight, and Perdue:

H. 329. To establish and provide for a Mandated Advisory Benefits Panel to review any proposed legislation that mandates health insurance coverage for specific health services, for specific diseases, or for certain providers of health services as part of individual or group health insurance policies or plans; to provide that legislative committees shall request reports from the Mandated Benefits Advisory Panel; and to provide certain guidelines to be used in evaluating the proposed legislation.

COMMITTEE ON INSURANCE

By Representative Holley:

H. 330. To authorize the establishment of watershed management authorities; to express legislative intent; to define relevant terms; to specify the purposes of said authorities; to regulate the land which may be included in an authority; to provide the method for creating an authority; to provide for a hearing prior to creation; to create a board of directors to govern the authority and provide for the method of appointing or electing said board and their successors; to provide for the terms of office of board of directors members and the method of filling vacancies; to provide procedures for the operation of the board of directors; to provide for the reimbursement of expenses incurred by board members; to provide for the powers and duties of the board of directors; to authorize the issuance of bonds; to provide for the discontinuance of an authority and the assumption of assets; to provide for annual audits; to provide officers and employees of the authority shall be subject to the state code of ethics; to authorize full-time employees of the authority to join the employees' retirement system and receive health insurance and other benefits; to provide an authority shall be subject to competitive bid laws and to exempt an authority from certain taxes.

COMMITTEE ON HEALTH

By Representative McClain:

H. 331. To make legislative findings respecting the importance and value to

the State of Alabama Health Department in primary health care services from every area of the state; to make an appropriation from the Alabama Special Educational Trust Fund for the fiscal year 1991-92, for health care purposes; and to require an operations plan and audited financial statement prior to release of any funds.

COMMITTEE ON WAYS AND MEANS

By Representatives McClain, Spratt, Rogers (J), and McDowell (With Notice and Proof):

H. 332. Relating to the Jefferson County board of education; to provide that the members of the board of education shall be elected for staggered terms and from single-member districts; to provide further for the election and filling of the office of president of the board of education; and to provide that the boundary lines of said districts shall coincide with the boundary lines of the Jefferson County commission districts.

COMMITTEE ON LOCAL LEGISLATION NO. 2

I HEREBY CERTIFY THAT THE NOTICE & PROOF IS ATTACHED TO THE BILL, H. 332, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON, CLERK

By Representative Johnson:

H. 333. To amend section 38-2-6, Code of Alabama 1975, relating to the duties, powers and responsibilities of the Alabama state department of human resources, so as to provide for establishing rules and standards for inspection and approval of adult foster care homes and adult day care centers and homes.

COMMITTEE ON HEALTH

By Representative Rogers (J):

H. 334. To create and establish the Alabama Science and Technology Commission; to provide for definitions, appointment, qualifications, structure, term of office, compensation, meetings, powers and duties, programs, annual reporting, budget, expenditure and acceptance of funds, private funds and in-kind contributions, rule making, centers for innovation, executive director and powers and duties of executive director.

COMMITTEE ON WAYS AND MEANS

By Representative Rogers (J):

H. 335. To amend Section 14-9-41 of the Code of Alabama 1975, which relates to computation of incentive time deductions, so as to allow an inmate who has been sentenced to a term of 15 years or less in the state penitentiary to earn correctional incentive time in accordance with the other provisions of this section.

COMMITTEE ON JUDICIARY

By Representative Rogers (J):

H. 336. Relating to alcoholic beverages; to authorize a countywide election or municipal elections to determine whether alcoholic beverages may be sold or dispensed on Sunday within any wet county or wet municipality in this state.

COMMITTEE ON TOURISM, ENTERTAINMENT AND SPORTS

By Representatives Carns, Fuller, Hawkins, Sanderson, Hooper, Curry, Zoghby, Turner, McMillan, Rockhold, Crow, Willis, Mikell, Gaines, Hill, Knight, Morton, Biddle, McKee, Payne, Millican, Smith (C), Laird, Hamilton, Blakeney, Petelos, Butler, Penry, Walker, White, Drake, and Cullins:

H. 337. To provide for the prohibition of abortions in the state except to save the life of the mother, or in reported cases of specified rape or incest; to provide certain affirmative defenses for rape and incest; to provide that the woman upon whom the abortion is being performed is not subject to criminal penalties; to provide otherwise criminal penalties for the crime of abortion; to provide certain reporting requirements and criminal penalties for failing to report; and to repeal Section 13A-13-7 of the Code of Alabama 1975.

COMMITTEE ON HEALTH

By Representatives Cosby, Laird, McMillan, and Newton (C):

H. 338. Relating to the acquisition, maintenance and protection of lands and water areas in this state having unique ecological systems, plant and animal life, geological formations, wildlife habitats, recreational value and scenic beauty; to establish the Forever Wild Program (the program) for such purposes to be administered by the state conservation and natural resources department (the department); to make certain declarations of purposes and state policies regarding the protection of such lands and waters in this state; to provide definitions of terms regarding the program; to provide for management of the program by the department and to designate categories of lands and waters to be acquired; to provide for the establishment of the Alabama Forever Wild Board (the board), its membership, and terms of office; to provide for the rights, powers, duties and responsibilities of the board; to establish the Alabama Forever Wild Advisory Committee, its membership, selection process, terms of office, vacancies, recommending organizations, meetings, rights, powers, duties and responsibilities; to establish the Forever Wild Trust Fund (the trust fund) to receive revenue generated to the fund and to provide for tax exemptions for donated lands or waters; to provide for a stewardship program for the maintenance of acquired lands and waters of the program; to provide for enforceability of conservation restrictions, recordation and the acquisition and disposal of interests in lands and waters acquired in the program; to provide for an Alabama Natural Heritage Program as part of the lands division of the department; and to provide for the dedication of natural area preserves.

COMMITTEE ON WAYS AND MEANS

By Representatives Payne, Newton (D), Biddle, and Morton:

H. 339. To amend Section 36-21-2, Code of Alabama 1975, which provides for subsistence allowances for certain law enforcement officers, so as to provide a subsistence allowance for certain other law enforcement officers.

COMMITTEE ON WAYS AND MEANS

By Representatives Payne, Newton (D), Biddle, and Morton (With Notice and Proof):

H. 340. Relating to Jefferson County, providing for a subsistence allowance for certain law enforcement officers.

COMMITTEE ON LOCAL LEGISLATION NO. 2

I HEREBY CERTIFY THAT THE NOTICE & PROOF IS ATTACHED TO THE BILL, H. 340, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON, CLERK

By Representative Campbell:

H. 341. Relating to the acquisition, maintenance and protection of lands and water areas in this state having unique ecological systems, plant and animal life, geological formations, wildlife habitats, recreational value and scenic beauty; to establish the Forever Wild Program (the program) for such purposes to be administered by the state conservation and natural resources department (the department); to make certain declarations of purposes and state policies regarding the protection of such lands and waters in this state; to provide definitions of terms regarding the program; to provide for management of the program by the department and to designate categories of lands and waters to be acquired; to provide for the establishment of the Alabama Forever Wild Board (the board), its membership, selection process, terms of office and vacancy appointments, appointing authorities, recommending organizations; to provide for the rights, powers, duties and responsibilities of the board; to establish the Forever Wild Trust fund (the trust fund) and for tax exemptions for donated lands or waters; to provide various sources of funding for the trust fund, including without limitation: prospective lottery proceeds; percentage of income from the Alabama Trust Fund; a production fee on occluded or coalbed methane gas wells; monies generated from the state surplus property account; increased recording fees on deeds, bills of sale, mortgages and other instruments; increased sales taxes on "nonconsumptive use goods" and "off-road vehicles"; increased license fees on utility trailers, travel trailers, self-propelled campers or house cars; and increased rental or leasing fees on video tapes and equipment; to provide for a stewardship program for the maintenance of acquired lands and waters of the program; to provide for enforceability of conservation restrictions; to provide for recordation and the acquisition and disposal of interests of lands and waters acquired in the program; to provide for an Alabama Natural Heritage Program as part of the lands division of the department; to provide for the dedication of natural area preserves; and to provide that after a certain date, revenues going to the trust fund shall revert to the state general fund, except a small percentage needed to fund the stewardship

account.

COMMITTEE ON WAYS AND MEANS

By Representative Rogers (F):

H. 342. To prohibit any person from willfully and knowingly preventing, obstructing, impeding, disturbing or interfering or attempt to prevent, obstruct, impede, disturb or interfere with any person in the lawful activities of hunting, trapping, or fishing in accordance with rules and regulations of the Department of Conservation and Natural Resources and the laws of the State of Alabama.

**COMMITTEE ON AGRICULTURE, FORESTRY
AND NATURAL RESOURCES**

By Representatives Mikell and McMillan:

H. 343. To amend Section 32-5-76, Code of Alabama 1975, relating to spilling of loads on to highways, so as to prohibit persons hauling uncovered garbage, paper or litter.

**COMMITTEE ON COMMERCE,
TRANSPORTATION AND UTILITIES**

By Representatives Mikell, McMillan, and Harvey:

H. 344. To amend Sections 36-25-1 and 36-25-14, Code of Alabama 1975, which relate to the filing of statements of economic interests, so as to provide further for those officials required to file said statement.

COMMITTEE ON JUDICIARY

By Representatives McMillan and Turnham:

H. 345. To amend Section 12-17-140 of the Code of Alabama 1975, relating to supernumerary status of clerks and registers so as to provide further for qualifications for supernumerary status of clerks and registers.

COMMITTEE ON WAYS AND MEANS

By Representative Freeman:

H. 346. To require the reasonable posting of personnel vacancy notices by certain political subdivisions of the state before such personnel positions are to be filled.

COMMITTEE ON EDUCATION

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has concurred in and adopted the following House Joint Resolution and returns same herewith to the House:

H.J.R. 2. COMMITTEE APPOINTED TO NOTIFY GOVERNOR LEGISLATURE IS IN SESSION.

And the President and Presiding Officer of the Senate appointed as committee on part of the Senate to notify the Governor, Senators: Ellis, Dixon, and Waggoner.

MCDOWELL LEE
Secretary

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has concurred in and adopted the following House Joint Resolution and returns same herewith to the House:

H.J.R. 3. INVITATION FOR JOINT ADDRESS.

And the President and Presiding Officer of the Senate appointed as committee on part of the Senate, Senators: Bedsole, Amari, and Lipscomb.

MCDOWELL LEE
Secretary

ELECTIONS

The Speaker announced that elections would be held for members of the Legislative Council, Examiners of Public Accounts, the Building Commission and the Alabama Sunset Review Committee.

**REPORT OF THE STANDING COMMITTEE
ON RULES ON ENROLLED AND ENGROSSED BILLS**

Mr. Speaker:

Your Standing Committee on Rules begs leave to report that it has examined the following House Joint Resolutions, to-wit:

H.J.R. 2. COMMITTEE APPOINTED TO NOTIFY GOVERNOR LEGISLATURE IS IN SESSION

Also:

H.J.R. 3. INVITATION FOR JOINT ADDRESS

And finds same correctly enrolled.

TOMMY CARTER
Chairman

SIGNING OF HOUSE JOINT RESOLUTIONS

The Speaker of the House, in the presence of the House, immediately after the titles had been publicly read by the Clerk, the reading at length having been dispensed with by a two-thirds vote of a quorum present, signed the House Joint Resolutions, the titles of which are set out in the foregoing Report of the Standing Committee on Rules.

RESOLUTION

The following resolution was introduced:

By Representative Campbell:

**H.R. 45. RESOLUTION TO REMOVE INCUMBENT CLERK OF THE
HOUSE OF REPRESENTATIVES FROM OFFICE.**

WHEREAS, John W. Pemberton, as the incumbent Clerk of the House of Representatives, has attained continuing service status as provided in Section 29-4-20(b) of the Code of Alabama 1975 and may be removed from said office as Clerk only for cause by a vote of the majority of the elected members of the House of Representatives after ten days' notice of the intention to vote thereon has been given to said Clerk and the members of the House of Representatives, together with a written statement of the cause for said removal;

WHEREAS, ten days or more prior to the date on which this resolution is being brought before the House of Representatives for a vote, the notice required by said Section 29-4-20(b), together with a written statement of the cause for removal from office of the said Clerk as set forth in this resolution, has been delivered to the said Clerk and every elected member of the House of Representatives;

WHEREAS, such notice of the intention to bring before the House of Representatives a vote on the removal of the said Clerk from Office was signed by James M. Campbell, the sponsor of this resolution;

WHEREAS, Section 67, Article IV, of the Constitution of Alabama provides that the number, duties and compensation of the officers and employees of each house of the Legislature, including the Clerk of the House of Representatives, shall be prescribed by law, but neither any provision of the Constitution of Alabama nor

any relevant statute can be reasonably interpreted to restrain or limit the power of a majority of the elected members of the House of Representatives to judge the performance in office of any incumbent Clerk and to determine whether or not there is cause for the removal of such Clerk from office;

WHEREAS, Section 53, Article IV, of the Constitution of Alabama expressly grants to each house of the Legislature all powers necessary for the legislature of a free state, including the power to determine the rules of its proceedings and to enforce obedience to its processes, and such powers include the power of the House of Representatives to judge the performance in office of the Clerk of the House of Representatives, to determine whether such Clerk continues to hold the confidence of a majority of the members of the House of Representatives, and to determine, in the exercise of its sole judgment, whether there is cause for the removal of such Clerk; and

WHEREAS, any contention that the House of Representatives must suffer the continuance in office of a Clerk who has lost the confidence of a majority of the elected members thereof constitutes a serious interference with the independent administration of the affairs of the House of Representatives and an intolerable affront to the constitutional doctrine of the separation of powers;

NOW, THEREFORE, BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES AS FOLLOWS:

Section 1. The House of Representatives hereby determines and declares as cause for the removal of John W. Pemberton from his office as Clerk of the House of Representatives the following:

(a) Despite the provisions of Section 29-4-20(b) of the Code of Alabama 1975 which expressly prohibit the Clerk of the House of Representatives from political activities of the kind which are denied to classified state employees by Section 36-26-38 of the Code of Alabama 1975, John W. Pemberton, during the last fifteen months, has violated his duty, as Clerk of the House of Representatives, to maintain political neutrality by taking the following actions:

(i) John W. Pemberton attempted to influence the election of members of the House of Representatives by publicly expressing a preference for the election of certain candidates and for the defeat of certain incumbent representatives who were seeking re-election, he provided advice and information in support of the election campaigns of certain candidates whom he favored, and he assisted efforts to discredit the record and accomplishment of candidates whom he disfavored.

(ii) While in the precincts of his office and other areas of the Alabama Statehouse, John W. Pemberton, on numerous occasions, has publicly stated to one or more persons his opposition to the candidacy of James S. Clark for re-election as Speaker of the House of Representatives for the current legislative quadrennium and has denigrated the character and qualifications of James S. Clark to be Speaker by both innuendo and direct accusation. Prior to the re-election of James S. Clark as Speaker in the 1991 organizational session of the Legislature, John W. Pemberton attempted to persuade various members of the House of Representatives, in both public and private conversations, to support the opposing candidate for Speaker.

(iii) John W. Pemberton, in the course of an interview with a newspaper reporter conducted in the Clerk's office, demeaned the office of the Speaker and the independence of the House of Representatives by stating that he could defeat the re-election of James S. Clark as Speaker if he chose to do so, and this statement, which has been confirmed by the reporter to whom it was made, was reported widely by newspapers and other public media in Alabama.

(b) Although Section 51, Article IV, and Amendment No. 57 of the Constitution of Alabama expressly provide that the Speaker of the House of Representatives continues to hold his office until his successor has been elected and qualified, and Section 29-4-44 of the Code of Alabama 1975 authorizes the Speaker to employ, on a full-time basis, one administrative assistant, three secretarial employees for the support of his office, and two additional secretaries, one to be assigned to the house committee on rules and the other to such committee as he may designate, John W. Pemberton, in his capacity as Clerk, after the conclusion of the 1990 regular session of the Legislature and prior to the re-election of James S. Clark as Speaker in the 1991 organizational session, in violation of applicable law and the conventional usage of the House of Representatives, took the position that James S. Clark was no longer the Speaker of the House and that the aforesaid employees who are authorized to be employed by the Speaker were no longer entitled to be employed and paid as regular employees of the House of Representatives. He denied said employees the cooperation and support of his office as Clerk and refused to certify the payroll documents entitling such employees to be paid in regular course. In addition, he has been rude, abusive and threatening in his behavior towards those employees of the House of Representatives who are authorized to be employed by the Speaker.

(c) John W. Pemberton, as Clerk of the House of Representatives, has failed to develop and apply fair and consistent policies in the recruitment, promotion, dismissal, compensation and administration of employees of the House of Representatives who are under his management. He has arbitrarily approved merit wage increases for employees who are in his favor, while denying any wage increases to employees who work directly for members of the leadership of the House of Representatives, without in any such case providing the employee in question with an evaluation that would explain or justify such discriminatory treatment.

(d) John W. Pemberton, as Clerk of the House of Representatives, has failed to inform and consult the members of the Legislative Council, on a regular and periodic basis, concerning his policies and decisions with respect to the recruitment, promotion, dismissal, administration and compensation of employees of the House of Representatives, thereby impairing the right and power of the Legislative Council to regulate the employment of such employees in accordance with the provisions of Sections 29-4-40, 29-4-42, and 29-4-45 of the Code of Alabama 1975. In particular, the Clerk has failed to comply in a timely and cooperative manner with directions of the Speaker Pro Tem, authorized by the House members of the Legislative Council in meetings held on January 8, 1991, and January 15, 1991, to provide the Legislative Council with information

necessary to regulate the employment of additional personnel during the 1991 regular session of the Legislature.

(e) As the result of arbitrary actions, personal intimidation and favoritism, John W. Pemberton, in the exercise of his powers and responsibilities as Clerk of the House of Representatives, has fostered and perpetuated an atmosphere of fear and discord among employees of the House of Representatives and has failed to provide the fair and effective personnel management which is necessary both for the efficient administration of the business of the House of Representatives and for the happiness and advancement of its employees.

(f) John W. Pemberton has made false and malicious statements to the Chairman of the Taxpayers Defense Fund, to the staff of the State Ethics Commission and to other persons accusing James S. Clark, Taylor F. Harper and other members of the House of Representatives of specific acts of ethical misconduct. These statements by John W. Pemberton were not based upon direct or reliable information and they amounted to nothing more than the irresponsible dissemination of malicious and unfounded gossip for the purpose of injuring the reputations of the aforementioned members of the House of Representatives. His lack of any knowledge or evidence to corroborate these false statements was revealed in depositions conducted by the office of the Attorney General at the request of James S. Clark.

(g) The behavior and utterances of John W. Pemberton have manifested a general disregard for the concerns and feelings of the members of the House of Representatives and an attitude that his tenure as Clerk is independent of and superior to the will of the House of Representatives.

Section 2. For the cause set forth in Section 1 of this resolution, the tenure of John W. Pemberton as Clerk of the House of Representatives is hereby terminated as of May 1, 1991, and he is hereby ordered to be removed from the said office of Clerk as of said date.

The resolution, H.R. 45, was read and referred to the Standing Committee on Rules.

EXAMINERS OF PUBLIC ACCOUNTS

The House elected Representatives Flowers, Rogers (J), Buskey (JL), White and Warren as members of the Examiners of Public Accounts.

RESOLUTIONS

The following resolutions were introduced:

By Representatives Gaston, Zoghby, Rockhold, Kvalheim, Kennedy and Clark (W):

H.J.R. 46. COMMENDING JEFFREY H. NEWMAN FOR DISTINGUISHED SERVICE TO THE MOBILE COMMUNITY.

WHEREAS, Jeffrey H. Newman is a prominent Mobile real estate executive who has distinguished himself in dedicated service to his profession and the Mobile community; and

WHEREAS, a graduate of Biloxi Senior High School, Mr. Newman also is a graduate of the University of Southern Mississippi, where he was awarded a B.S. degree in business administration and, as a graduate fellow, the Master of Science degree; he is an active member of the Government Street Presbyterian Church where he has served on numerous committees, and a former member of the Mobile Lions Club, Bel Aire Kiwanis Club and the Junior League of Mobile Community Steering Committee on Drug Abuse; and

WHEREAS, Mr. Newman is a Licensed Real Estate Broker, a graduate of Alabama Realtors Institute and a member of Omega Tau Rho, a national honorary real estate fraternity; he also is a member and has chaired numerous committees and served in other leadership positions in the Alabama Association of Realtors, National Association of Realtors and the American Society of Association Executives; and

WHEREAS, he further is a former instructor in the University of South Alabama School of Business Administration and is a Certified Instructor for the Alabama Real Estate Commission Continuing Education Program; and

WHEREAS, in addition, however, to his many contributions in service to his profession, Mr. Newman is firmly committed to the progress and well-being of the Mobile Community and has dedicated his considerable talent and ability toward that goal; and

WHEREAS, Mr. Newman, who is a graduate of Leadership Mobile (1986) and was elected Class Representative and Chairman of the 1990 Advisory Committee on Housing, has been and continues to be actively involved in a number of other civic organizations, including the American Red Cross, Salvation Army, United Way, the Mobile Area Chamber of Commerce, Naval Station Mobile Transition Team and the Naval Station Mobile Housing Task Force; and

WHEREAS, these many organizations and their worthy endeavors have been long and loyally supported by Jeffrey Newman and in such capacities as board member, director, and as committee or task force chairman; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That in recognition of outstanding achievement and service on behalf of the Mobile community, we hereby most highly commend Jeffrey H. Newman, whom we hold in warmest personal regard and to whom a copy of this resolution shall be presented.

On motion of Representative Gaston, the rules were suspended and the resolution, H.J.R. 46, was adopted.

Also:

By Representative Gaston:

H.J.R. 47. COMMENDING SADIE W. SMITH OF MOBILE, ALABAMA, FOR DISTINGUISHED PROFESSIONAL ACHIEVEMENT AND SERVICE.

WHEREAS, the retirement of Sadie W. Smith of Mobile, one of Alabama's most prominent educators, is an appropriate occasion for tribute by the Alabama Legislature in recognition of distinguished professional achievement and service; and

WHEREAS, Ms. Smith, who holds the B.S. degree in Secondary Education, graduating Magna Cum Laude, also has a Master of Science degree in Secondary Education and Curriculum Development, and A.A. Certification in Public School Administration; and

WHEREAS, during her professional tenure, Ms. Smith served sixteen years as instructional specialist and assistant principal at Shaw High School; four years as social studies teacher at Davidson and Shaw High Schools; three years as a social studies teacher at St. Paul's Episcopal High School; and was awarded a one year Fellowship U.S.A.; and

WHEREAS, in further distinguished service, she wrote the teachers manual and student activities for the current Alabama History; helped conduct Taft Institutes at Auburn University to improve instruction in U.S. government and economics; participated in Global Issues International Studies at the American University of Cairo, Egypt; and conducted numerous in-service programs and served on various textbook committees for the Mobile County Public School System; and

WHEREAS, Ms. Smith, in recognition of achievement, is the recipient of many distinguished honors including special commendations from Governor George C. Wallace and the Crippled Children Service, and the "Heart of Gold Award" bestowed by Shaw High School Colleagues; and

WHEREAS, in an extension of her involvement, both professional and civic, Ms. Smith is a member of and active participant in such organizations as Phi Delta Kappa, Association of Secondary School Principals, Alabama Council for School Administrative United Teaching Profession, Mobile County Social Studies Council and is a member, and teacher for 18 years of the Adult Sunday School Class, of Springhill Baptist Church; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we hereby most highly commend Sadie W. Smith of Mobile, Alabama, for distinguished service and contribution to the teaching profession, and do further provide that she receive a copy of this resolution, executed in sincere praise and with best wishes for any future success and happiness in retirement.

On motion of Representative Gaston, the rules were suspended and the resolution, H.J.R. 47, was adopted.

Also:

The following resolution was introduced and distributed according to Joint Rule 11:

By Representative Flowers:

H.R. 48. COMMENDING DONNA WYNN, WINNER OF THE EXTEMPORANEOUS WRITING COMPETITION AT THE STATE LEADERSHIP CONFERENCE OF THE ALABAMA HEALTH OCCUPATIONS STUDENTS' ASSOCIATION.

Also:

By Representative Flowers:

H.R. 49. COMMENDING THE PARLIAMENTARY PROCEDURE TEAM OF THE TROY-PIKE AREA VOCATIONAL CENTER CHAPTER OF THE HEALTH OCCUPATIONS STUDENTS' ASSOCIATION OF ALABAMA.

RECESS

On motion of Representative Campbell, the House recessed until 6:00 o'clock p.m.

HOUSE RECONVENED

The hour of 6:00 o'clock p.m. having arrived, the House reconvened. The Speaker called the House to order.

REPORT FILED

The Report of the Alabama Supreme Court regarding needed judgeships created by Section 6.12(a) of Amendment 328 of the Constitution of Alabama 1901 was submitted to the Alabama Legislature of 1991, and the report was ordered filed.

ALABAMA SUNSET REVIEW COMMITTEE

The House elected Representatives Buskey (JL), Box and Kvalheim as members of the Alabama Sunset Review Committee.

BUILDING COMMISSION

The House elected Representatives Newman, Haynes, Burke and Smith (C) as members of the Building Commission.

RESOLUTION

The following resolution was introduced and distributed according to Joint Rule 11:

By Representative Newton (D):

H.R. 50. MOURNING THE DEATH OF MRS. MABEL WHITE OF THE VINESVILLE COMMUNITY, JEFFERSON COUNTY, ALABAMA.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and adopted the following Senate Joint Resolution and sends same herewith to the House for its consideration:

By Senator deGraffenried:

S.J.R. 1. COMMITTEE APPOINTED TO NOTIFY GOVERNOR THAT LEGISLATURE IS IN SESSION.

BE IT RESOLVED BY THE SENATE OF ALABAMA, THE HOUSE OF REPRESENTATIVES CONCURRING, That a committee of three members of the Senate, to be named by the Presiding Officer of the Senate, and three members of the House, to be named by the Speaker of the House, be appointed to notify the Governor that the Legislature is now in session and is ready for the transaction of business.

And the President and Presiding Officer of the Senate appointed as Committee on part of the Senate to notify the Governor, Senators: Ellis, Dixon, and Waggoner.

MCDOWELL LEE
Secretary

SENATE MESSAGE

On motion of Representative Campbell, the rules were suspended, and the House concurred in and adopted the resolution, S.J.R. 1, set out in the foregoing Message from the Senate.

COMMITTEE APPOINTED

The Speaker appointed as a committee on the part of the House, Representatives Sanderford, McKee and Knight.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and adopted the following Senate Joint Resolution and sends same herewith to the House for its consideration:

By Senator deGraffenried:

S.J.R. 2. COMMITTEE TO NOTIFY GOVERNOR AND ASCERTAIN DESIRE FOR JOINT SESSION.

BE IT RESOLVED BY THE SENATE, THE HOUSE OF REPRESENTATIVES CONCURRING, That a committee of three members of the Senate, to be named by the President and Presiding Officer of the Senate, and three members of the House, to be named by the Speaker of the House, be appointed to notify the Governor that the Legislature is now in session and is ready for the transaction of business.

BE IT FURTHER RESOLVED, That said Committee ascertain from His Excellency if he desires to address a joint session of the Legislature and, if he does desire to address a joint session, to further ascertain the time most suitable to him for such address.

And the President and Presiding Officer of the Senate appointed as Committee on part of the Senate: Senators Bedsole, Amari, and Lipscomb.

MCDOWELL LEE
Secretary

SENATE MESSAGE

On motion of Representative Campbell, the rules were suspended, and the House concurred in and adopted the resolution, S.J.R. 2, set out in the foregoing Message from the Senate.

COMMITTEE APPOINTED

The Speaker appointed as a committee on the part of the House, Representatives Sanderford, McKee and Knight.

RECESS

On motion of Representative Carothers, the House recessed.

JOINT SESSION

Pursuant to the resolution, H.J.R. 3, heretofore adopted, the Senate and the House of Representatives met in the Hall of the House of Representatives for the purpose of hearing an address by the Honorable Guy Hunt, Governor of the State of Alabama.

The session was called to order by Honorable Jim Folsom, Jr., Lieutenant Governor and Presiding Officer of the Senate.

His Excellency, Guy Hunt, Governor of the State of Alabama, appeared before the joint session and delivered the following message to the members of the Legislature:

Mr. President ... Mr. Speaker ... Mr. Chief Justice and distinguished members of the court ... legislators ... honored guests ... ladies and gentlemen.

We are together again for what promises to be one of the most important of all legislative sessions. In my memory I can think of no time in our history when so many important decisions have faced us.

The people of Alabama ... the farmers, the truck drivers, the teachers, the mechanics, the soldiers ... elected you and me to stand up and set the course for the future.

What we face is a paradox. Our successes and accomplishments together these past four years should strengthen our optimism for the future. But not to recognize and acknowledge that we do indeed have major problems and restraints as we chart our future course would be foolhardy.

These past four years we have worked together to achieve record business development and job creation. But now the national economic downturn is affecting us adversely. Corporate profits are down and there is too much unemployment.

We have responded to a variety of critical human needs with new, innovative and expanded programs. Yet so much remains to be done. And federal priorities in many of these fields are again in a state of flux with greater burdens placed on the states.

This year we are spending more money in Alabama for education than at any time in our history -- 600 million dollars more than just four years ago. Yet we are in educational proration.

We have built modern but cost efficient new prisons. We have provided our Pardons and Paroles Board with more money for additional parole officers and for more modern and cost effective monitoring of parolees who are not a menace to society. Yet we have new burdens of prison overcrowding throughout the state.

I wish we had simple solutions. We do not have the luxury of deficit financing as does the federal government ... nor would we want such a vehicle.

So many of the news editorial suggestions I read are interesting ... but too few reach below the surface. They seldom address the complexities which I in the governor's chair and you in your legislative chairs must face constantly.

All this is to say we have our work cut out for us as we begin the 1991 legislative session. I would be remiss, however, to imply that Alabama is unique in the mounting problems it faces. In meeting and talking with my fellow governors in other states ... I find we all face similar problems to varying degrees ... many of which are far more troubling and severe than ours. I am confident you are finding much the same thing as you confer with your counterparts around the country.

But it does suggest also that these same problem areas give us the opportunity to work together to find solutions so that Alabama can excel in education, human resources, transportation, our fight against crime and so many other areas.

Working together we can continue to raise our state's rankings. These issues we face are not partisan in nature and we cannot solve them if we lower ourselves to partisan bickering and rhetoric.

As you know ... I come from a farming background. Farmers have to be optimists to survive. I am optimistic that in the four years ahead and beginning with this legislative session now ... we can make a difference. Although funding is limited ... we can begin putting in place those mechanisms for necessary reform and change during this session.

In my four years as governor ... I have visited every section of the state. I have talked with people from all walks of life and have received their input and suggestions. It is my belief our citizens want change in education as well as better programs across the board. But they don't always believe the people in state government have always been the best stewards of the state's revenues and other resources. This particularly applies in education and we must do a better job to point to those managers who are getting more education for the dollar.

I have been criticized for suggesting that money is not the first and primary ingredient for successful education reform. There is no question greater funding is required. But I recall legislated programs for teacher testing for new teachers and recognition and rewards for teachers through a career ladder plan. The companion pieces to these legislative programs called for significantly more funding for salaries. The increased funding was provided, but we saw a great demand for teacher testing and the career ladder terminated.

I am convinced that if we can in good faith produce meaningful reform in at least some consensus areas of education, the people will support increased funding for other elements of education which will, in fact, require more money.

We need to make this commitment now in education and other essential programs. This is the time for the top leader in education to come together to support this concept. There is nothing I would rather do at the conclusion of this session than to recognize this leadership for being true partners in passing an historic and meaningful legislative education reform package.

Approximately two years ago with your support I reactivated the Alabama Education Study Commission, which was legislated into being many years ago. Although I made the appointments to this volunteer commission ... they were non partisan. I sought and found in these appointments a diversity of backgrounds and commission members with a high degree of competence and vital interest and commitment to improving education in our state.

It is my pleasure at this time to recognize, and on behalf of Alabamians everywhere ... to thank the commission members for their untiring efforts and excellent input toward improving our education system. With us tonight from the Education Study Commission are Judge Frank McFadden, Walter Bell, Gene Gwaltney, Rick Manley, Mike Warren and John Nettles. Gentlemen, thank you all very much. Commission members Jane McDonald and Louis Salmon and director Caldwell Marks could not be with us.

Early last month the study commission presented to me its comprehensive report ... a long range blueprint for education reform and improvement in Alabama. The board scope report presents its findings and recommendations and includes the input of hundreds of our citizens as well as experts in the field.

Immediately thereafter, I called into being an ad hoc committee and invited professional educators, business leaders and the legislative leadership to review a variety of these recommendations and other educational reform proposals. The objective was to reach consensus and joint support of at least a number of meaningful actions to improve education in Alabama. While this has lengthened the process, I believe it has been worthwhile.

General consensus has been achieved on a number of these proposals and a legislative package is almost completed which will be introduced in a few days. I urge the education community, the Legislature, the business community and primarily the citizens of Alabama to continue to work and to stand together with the administration to make at least the beginnings of true educational reform a reality.

These beginning reforms can make a real difference and will show our seriousness to the people.

The package addresses such areas as school restructuring, performance-based measurement. It covers an extended school year to the southeastern average, adult education, alternative teacher certification and at-risk students. And the program deals with the issues of the safe school environment, school readiness, special education, technology for students, choice and magnet schools, professional teacher development, upgrade core curriculum, especially in math and science, assessment and teacher testing.

Ultimately it will place educational control with the local schools and the local classroom teachers and the local communities.

I embrace and support the bulk of the Education Study Commission's findings and recommendations. Many of these already are included in the package I just outlined. However, with the political and financial realities at this

time there is no possible way to implement all the recommendations.

The Study Commission report, in fact, recommended a gradual phasing in of many of its programs over five years. What I have just outlined I believe is a realistic and worthwhile beginning in this process. As you know ... in educational funding I have strongly favored legislation for increased local funding sources as a companion to greater local school control.

The use of pilot programs and incentives will help insure long range success with more modest financial outlays initially. More funding will come. As I have said ... more education for the dollar ... more dollars for education. That must be our focus.

I believe our hopes for the future now rest in one place. The schoolhouse.

The enemy is unproductivity, social and cultural despair, lost dreams ... the battlefield is the classroom ... and our only weapon is complete educational reform.

The time is now. There may never be another opportunity for all these diverse groups to join hands in one mighty race down the road to educational greatness.

There are many brave political warriors who have gone before us and waged the wars for progress. The memories of those political warriors live on in this historic city.

Have you ever walked around the grounds of the capitol complex just as the sun is slipping below the horizon?

The day's work is done. People have gone home to their families ... there is a stillness in the air that brings a great sense of peace to a place that seldom finds peace.

If you listen closely ... as the gentle wind blows the day into night ... you can almost hear the voices of history echoing ... the voices of the great men and women who walked these grounds ... the leaders of Alabama who stood and said, "we will fight the fight."

The first governor of Alabama ... William Wyatt Bibb ... said some of the same things to his Legislature that I have said to you tonight. It was a Tuesday night like this one ... 172 years ago ... that Governor Bibb ... in an eloquent letter to the Legislature, said: "Discharging all local jealousies and party animosities, let us unite as members of the same family having a common interest in directing our minds and our efforts to the advancement of the general welfare."

And through the years ... it has been the Alabama Legislature that has done so much of the work.

It was the Legislature that created a statewide school system in 1854 ... and who a hundred years ago ... passed laws to spend school funds based on school

population. And there are many other examples in history when legislators have risen to the cause.

Now the voices of the great leaders of Alabama history beckon to us to stand again for what is just and right. We know that it is our turn to lead the fight.

We have done a good job so far. We have won some victories ... important ones.

Four years ago ... we accepted our positions of public trust with the knowledge that we had to do more to bring good jobs to Alabama.

Our economy was stagnating. Our hopes were suffocating in a bureaucratic desert ... blasted apart by a sandstorm of anti-business attitudes.

We had to change or watch our economic health perish. So we changed.

Together, we reformed our state's civil liability laws to keep our businesses from being starved by frivolous lawsuits. We must now continue and not waver as many of those issues go through the courts. We will not retreat on these issues.

We said to the world "Alabama is Open for Business." And we didn't just say it ... we proved it ... by rebuilding the state agencies that recruit and help those businesses.

And just look at the results.

The last four years have been the most prosperous in Alabama's history. Alabama announced more than 11 billion dollars in capital investment by industry ... by far the most ever recorded in any four-year period in our state's history.

And two months ago ... Alabama's success was acknowledged around the country. A national magazine concluded that Alabama was the number one state in the nation in 1990 in industrial development for its size.

The hard work has paid off. You and I along with thousands of people on the local level who believe with all their heart and soul that free enterprise works ... have seen Alabama's economy rescued from the wilderness.

Now ... there are school problems and many other issues that await our attention this year.

I have today submitted to you balanced state education and general fund budgets. The education budget proposes to fund at present budget levels. When you passed and I signed the 1991 education budget ... I felt it was too optimistic in the funding expectations. As it turned out ... corporate income tax as a result of the national recession and utility taxes as a result of an unusually warm winter have not met the projections.

In January ... I had to declare proration for the education fund of 3.72 percent. We had had four years without proration. However if one looks back to

1978 ... the first year of each administration has had to deal with proration in the education budget. We are still dealing with this problem.

We continue to grapple with significant funding shortfalls for vital state services....

You will be asked this year to consider major tax reform proposed by your tax reform advisory commission as a means of establishing equity and shoring up the General Fund. I ask that you look closely at this program and take great care to be totally fair to all our people.

The report of the commission in several areas states recommendations in broad terms and such recommendations to be implemented must be drafted in specific legislation.

I am pleased that the commission has assumed the burden of drafting such legislation and all departments of the executive branch have provided whatever data the commission has requested. Now ... I anxiously await that report because of its importance to the financing of state schools and government. I do not believe you would expect nor the people would want me to write a "blank check" on tax reform until this has been accomplished.

And the recent court decision striking down part of our new law raising the fees for dumping hazardous waste in Alabama also poses a threat to the financial stability of the state.

We have appealed the ruling in that case ... and we have requested an expedited review by the Alabama Supreme Court. As an alternative ... and if we do not obtain a timely and favorable decision from the Supreme Court ... I am asking the Legislature to equalize fees for any dumping of hazardous waste.

If other states are going to be allowed by the federal government to bring their troubles to Alabama ... we must demand that they compensate the people of Alabama for the threat to our well-being.

Our efforts to regulate the disposal of toxic waste have been the focus of leaders all across this nation. Hopefully ... we will see similar recognition of our efforts to improve the management of our water resources.

A quick glance at the map of our state shows that virtually every major water source ends up in Mobile Bay ... and our Coastal Waters Initiative has provided us with a guide for future planning in this area. It along with our development of a statewide water management program shows your constituents and mine that we realize we must take better care of Alabama's precious water resources.

The state prison system is a great drain on our financial resources. Alabama's prison population has more than doubled in 10 years and shows no signs of letting up.

In this legislative session you will be asked to consider new laws to allow

non-violent criminals to be sentenced to community service work ... so they can labor and repay the people of Alabama for their crimes instead of sitting behind bars and costing the taxpayers money that could better be spent on schools or roads or health care. I urge you to support this plan.

And we must continue the war on crime and drugs. Again I am asking you to give the death penalty to drug dealers who commit murder ... and I will seek a further strengthening of our criminal code to make our streets safer.

Another area vital to our state's economic future is the development of a quality transportation system. Our neighboring states are moving ahead aggressively to build a road and bridge system that will enhance their economic competitiveness. We must do the same if we are to stay ahead on the road to better jobs and economic growth.

Highway Director Perry Hand has been working closely with the Joint Highway Committee of the Legislature and the House and Senate leadership in a unified effort to develop a sound, long-range highway plan that will move our state forward. Perry has kept me informed at each step, and I am very supportive of his efforts.

We need a developmental highway system in this state that will put a four-lane highway within easy access of all our citizens ... fix or replace our run-down bridges ... relieve congestion on our urban areas ... and provide more support to our counties and cities to meet critical needs. We also need to double the funding that is now going into our Industrial Access Program that has been so successful in recruiting new industry and helping existing industries to expand.

The people of Alabama need and deserve a quality transportation system ... and we all recognize additional investment will be required. I am confident ... working together ... we can make it happen.

Better transportation also means improving Alabama's air service. Our dream for an international airport in the state is taking off ... and we must make sure that those who follow us in office will see that the concrete is poured and the planes fly. To that end ... we will seek the formation of a permanent joint state and local airport authority to oversee development of the airport project.

Alabama's economic health also is threatened by its outdated, costly system of compensation for workers injured on the job. We will ask the Legislature to approve reforms in the workman's compensation laws to stop the spiraling costs that threaten businesses and workers alike.

In closing tonight ... I would like on behalf of a grateful state to recognize some of our victorious soldiers from Alabama who fought in the Persian Gulf. These soldiers represent thousands of their comrades from Alabama who helped to secure this great victory against wanton aggression in the Middle East. Some of our soldiers gave their lives for their country and for freedom. We must never forget their bravery ... and their sacrifices.

But in recognizing these soldiers tonight ... we would be remiss if we did not

also express ... at least symbolically ... our thanks and appreciation to those thousands of military veterans of other times and other conflicts ... such as Vietnam, Korea, World Wars One and Two ... who stood bravely and steadfastly to protect our nation and the principles upon which it was established. Sadly in many instances these veterans never received the proper respect ... the proper recognition nor the proper appreciation from their countrymen. Patriotism is alive and well and we do this belatedly now.

America's victory in the Persian Gulf confirmed this nation's standing as the leader of the free world. The decision of President Bush and his advisors ... and the work of America's soldiers ... was swift and sure ... and so was the victory. It was an epic battle between good and evil ... and with God's help ... we won quickly.

It is my honor to introduce you to some of our heroic soldiers who made it happen.

From Montgomery we have with us Master Sergeant Carolyn Oliver. During her tour of duty in Saudi Arabia she helped set up and operate a high frequency radio communications network that helped the Marines communicate with each other.

She also was joined by Sergeant William L. Brooks, a student at Auburn University who gave up two months of his studies and left to defend his country's interests. Sergeant Williams and Master Sergeant Oliver both served with the 232nd Combat Communications Squadron of the Alabama National Guard.

And from Enterprise we have with us Sergeant Herbert Purvis. Sgt. Purvis helped keep the home fires burning by helping to deliver tons of mail to soldiers in the Gulf. Sgt. Purvis was injured during one of the Scud missile attacks. But even those Scuds couldn't keep him from being with us tonight.

Like so may of our state's military personnel, Sgt. Troy Dunlap is not a native Alabamian, but he has been based at Fort Rucker for a year and three months. Sgt. Dunlap also served in Saudi Arabia as part of a Black Hawk attack helicopter unit. His helicopter was shot down while he was attempting to rescue an F-16 pilot who has been shot down. Sgt. Dunlap was held as a prisoner of war for a short time ... and now he is back home ... safe and sound.

First Lieutenant Charles McMurtrey is a Montgomery native.

At 4:48 on the morning of January 18th, he was operating a Patriot missile system when he spotted a Scud missile flying toward Saudi Arabia. The lives of his comrades in arms ... and the people of Saudi Arabia ... were in danger.

Lt. McMurtrey and his unit fired the first Patriot missile ever used in war ... and they shot down that first Scud missile.

(Ladies and gentlemen these soldiers are heroes. Let's show them how much we love and appreciate them.)

The victory gave strength and new hope to the institution and concept of the United Nations. It rekindled a much-needed spirit of patriotism across the land that had waned after World War Two. It revitalized the "can do" spirit among Americans exemplified by our President ... our military leadership ... our magnificent troops and our modern technology.

Together let us take a page from the record of this historic victory. With that same "can do" spirit ... let us set our sights on real progress and achievements during this very important legislative session.

It is my hope and prayer that by the end of this session ... we will be ready by then to celebrate a great victory here at home ... a victory over the enemies of prosperity and success for generations of Alabamians to come.

The goals are clear. The enemy awaits. It is time to cross the barricades.

And when we have finished the fight ... let us be able to tell the people of Alabama that we have heard their voices ... and we have answered their call.

Thank you and God bless you all.

The Lieutenant Governor and Presiding Officer of the Senate announced that the purpose of the joint session having been accomplished, the Senate would retire to its Chamber.

The Speaker of the House then called the House to order.

RESOLUTION

The following resolution was introduced:

By Representatives Beasley and Clark (J):

H.J.R. 51. MOURNING THE DEATH OF CARL S. FARMER OF ABBEVILLE, ALABAMA.

WHEREAS, in deep and abiding sorrow the Legislature of Alabama records the death of Carl S. Farmer of Abbeville, Alabama, on March 26, 1991, at the age of 89 years; and

WHEREAS, a retired attorney and former two-term State Senator from 1932-1938, Carl S. Farmer was a member of a pioneer Wiregrass and Henry County family; he attended the Headland Public School and the University of Alabama, graduating from the University's School of Law in 1929; and

WHEREAS, Mr. Farmer, after first practicing law in Dothan, moved to Abbeville in 1933 to continue the practice of law until retirement; in 1958, he was joined by his wife, the former Alliegene Edwards, and for the next 25 years, they practiced together as Farmer & Farmer; and

WHEREAS, also a former county solicitor from 1933 until 1939, he served for 33 years as Henry County Representative of the Ozark Production Credit Association, and was a member of the First Baptist Church of Abbeville where he served on the Board of Deacons, as Men's Bible Class teacher, and as church treasurer; and

WHEREAS, he further was a member of the Henry Masonic Lodge #91, former member of the Board of Directors of the Abbeville Chamber of Commerce, charter member of the Abbeville Lions Club and had served as a member of the Southeast Alabama Council, Boy Scouts of America; and

WHEREAS, other of Mr. Farmer's activities and involvement included the chairmanship of local fund-raising drives for the Red Cross and Crippled Children Services; membership on the Board of Directors of Mississippi Chemical Corporation; the presidency of both the Federal Land Bank Association of Dothan, and the Henry County Bar Association in which he was the Senior Member; and membership in the Alabama Bar Association which recognized him in 1979 for service rendered as a member for more than 50 years; and

WHEREAS, Mr. Farmer, who was preceded in death by his beloved wife in 1983, is survived by his daughter and son-in-law, Jean F. and Dr. H. Paul Huffman, Jr.; by four grandchildren and his sister; and by other family members, all of whom are sorely bereft in their great and grievous loss; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we are deeply saddened by the death of Carl S. Farmer of Abbeville, Alabama, and express deepest sympathy to all his family, whose sorrow we sincerely share and for whom a copy of this resolution shall be provided.

On motion of Representative Beasley, the rules were suspended and the resolution, H.J.R. 51, was adopted.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and adopted the following Senate Joint Resolutions and sends same herewith to the House for its consideration:

By Senator Corbett:

S.J.R. 3. COMMENDING WENDELL KENNEL ELLIS OF TUSKEGEE, ALABAMA, FOR OUTSTANDING ACHIEVEMENT IN SCOUTING.

Also:

By Senator Corbett:

S.J.R. 4. COMMENDING JARED JEROME CLAY OF TUSKEGEE, ALABAMA, FOR OUTSTANDING ACHIEVEMENT IN SCOUTING.

Also:

By Senator Corbett:

S.J.R. 5. COMMENDING KIRK BRACE JONES OF TUSKEGEE, ALABAMA, FOR OUTSTANDING ACHIEVEMENT IN SCOUTING.

**MCDOWELL LEE
Secretary**

SENATE MESSAGE

On motion of Representative Campbell, the rules were suspended, and the House concurred in and adopted the resolution, S.J.R. 3, the title of which is set out in the foregoing Message from the Senate.

Also:

On motion of Representative Campbell, the rules were suspended, and the House concurred in and adopted the resolution, S.J.R. 4, the title of which is set out in the foregoing Message from the Senate.

Also:

On motion of Representative Campbell, the rules were suspended, and the House concurred in and adopted the resolution, S.J.R. 5, the title of which is set out in the foregoing Message from the Senate.

RESOLUTION

The following resolution was introduced:

By Representative Cosby:

H.J.R. 52. COMMENDING THE UNITED METHODIST CHILDREN'S HOME, 1891-1991.

WHEREAS, in the Fall of 1889, the Alabama and North Alabama Conferences of the Methodist Episcopal Church South authorized the establishment of a Home for Orphan Children which formally opened at Summerfield, Alabama, in January 1890, admitting the first child, Charles Ebbsworth Moore, on September 5, 1890; and

WHEREAS, the agency, chartered as the Alabama Methodist Orphanage by the Alabama Legislature on February 5, 1891, operated for the first 20 years from Summerfield College, moving in 1911 to Selma, a site which offered the advantages of community facilities, schools, libraries, medical and dental services; and

WHEREAS, by the 1930's the institution was serving not only orphans, but also children suffering from physical and/or emotional neglect and to reflect these changes, the name was changed to the Methodist Children's Home; and

WHEREAS, the Children's Home, in continuing sensitivity to the needs of children and their families, has adjusted its programming accordingly, and services throughout the last century have included residential programs, foster care, adoption, behavior management, emergency shelter care, as well as scholarship/transition programs; and

WHEREAS, in the early 1940's a building program culminated in the construction of the Children's Village in Selma consisting of ten family-style cottages to house a staff and ten children each, and, upon completion in the 1950's, was the first Methodist Children's Village in the South; and

WHEREAS, continuing to demonstrate leadership in the field of children's services, the Home began an expansion to better serve children nearer their home area; in the Summer of 1968, the agency began establishing group homes and, by the mid-seventies, homes were built in Florence, Huntsville, Scottsboro, Tuscaloosa, Birmingham, Mobile, Dothan and Pensacola; and

WHEREAS, in 1983, the Children's Home staff implemented a pilot project to prepare children within the foster care system to live independently upon leaving care, and the Preparation for Independent Living Program which resulted is now used as a model for classes being taught throughout the State of Alabama; and

WHEREAS, other programs piloted by the Children's Home have included therapeutic foster care, parent-adolescent training programs, pre-placement in-home counseling, diagnostic and evaluation services; and

WHEREAS, the United Methodist Children's Home serves between 500 and 600 young persons each year, thereby affording the agency the opportunity to "Give a Child a Chance" thousands of times, and to be rewarded by the many alumni who have become successful members (and leaders) of their communities and churches; and

WHEREAS, the United Methodist Children's Home is indeed the premier program of child care in this area and, in building upon a past marked by excellence and Christian concern, now moves into its second "Century of Caring"; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That in recognition of excellence in its field, and in gratitude for the care provided to the many thousands of children who have so greatly benefitted from the love and stability of such concerned care, we hereby most highly commend the United Methodist Children's Home, and do further direct that a copy of this resolution be prepared for presentation on the 100th Anniversary celebration of its establishment.

On motion of Representative Cosby, the rules were suspended and the resolution, H.J.R. 52, was adopted.

REGULAR SESSION
1st Day

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RECESS

On motion of Representative Fuller, the House recessed to the call of the Chair.

HOUSE RECONVENED

The House reconvened. The Speaker called the House to order.

LEGISLATIVE COUNCIL

The House elected Representatives Starkey, Beasley and Hall as members of the Legislative Council.

ADJOURNMENT

On motion of Representative Walker and pursuant to the resolution, H.R. 4, heretofore adopted, the House adjourned until 10:00 o'clock a.m., Thursday, April 18, 1991.

SECOND DAY

House of Representatives
Montgomery, Alabama
Thursday, April 18, 1991

The House met pursuant to adjournment.

PRAYER

The session was opened with prayer by Representative James Cullins.

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Julie Sisson and Privott Sledge, Disque Middle School, Gadsden, Alabama.

ROLL CALL

On a call of the roll of the House, the following members answered to their names:

Mr. Speaker, Anderson, Barnes, Beasley, Biddle, Black (L), Black (M), Blakeney, Bowling, Box, Bugg, Burke, Buskey (JE), Buskey (JL), Butler, Cagle, Campbell, Carns, Carothers, Carter, Clark (W), Clay, Cosby, Crow, Cullins, Curry, Dolbare, Escott-Russell, Flowers, Ford, Freeman, Fuller, Gaines, Gaston, Goodwin, Grayson, Gullatt, Hall, Hamilton, Hammett, Harper, Harvey, Hawkins, Haynes, Higginbotham, Hill, Hogan, Holladay, Holley, Holmes, Hooper, Johnson, Kennedy, Knight, Kvalheim, Laird, Layson, Letson, Lindsey, Mathis, McClain, McDaniel, McDowell, McKee, McMillan, Melton, Mikell, Millican, Morrow, Morton, Newman, Newton (C), Newton (D), Parker (P), Parker (T), Payne, Penry, Perdue, Petelos, Poole, Powell, Rich, Richardson, Rockhold, Rogers (F), Rogers (J), Sanderford, Sanderson, Smith (C), Smith (R), Spratt, Starkey, Thomas, Turner, Turnham, Venable, Walker, Warren, White, Williams, Willis and Zoghby.

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A quorum was present.

REPORT OF STANDING COMMITTEE ON RULES

House of Representatives:

Your Standing Committee on Rules begs leave to report that it has carefully examined the Journal of the House for the first legislative day and finds the same to be correct.

TOMMY CARTER
Chairman

On motion of Representative Carter, the reading at length of the Journal of the House for the first legislative day was dispensed with, the Report of the Standing Committee on Rules was concurred in and adopted and the Journal for the first legislative day was approved.

OATH OF OFFICE

The oath of office prescribed by the Constitution of the State of Alabama was administered to the Honorable James C. Haney, Representative-Elect, by the Honorable James S. Clark, Speaker of the House.

H. 103 REREFERRED

No objection being offered, the Speaker rereferred the bill, H. 103, from the Standing Committee on Tourism, Entertainment and Sports to the Standing Committee on Health.

H. 198 REREFERRED

No objection being offered, the Speaker rereferred the bill, H. 198, from the Standing Committee on Highway Safety to the Standing Committee on Agriculture, Forestry and Natural Resources.

H. 199 REREFERRED

No objection being offered, the Speaker rereferred the bill, H. 199, from the Standing Committee on Highway Safety to the Standing Committee on Agriculture, Forestry and Natural Resources.

H. 300 REREFERRED

No objection being offered, the Speaker rereferred the bill, H. 300, from the Standing Committee on Insurance to the Standing Committee on Business and Labor.

REPORT FILED

Pursuant to the Code of Alabama 1975, § 41-20-4, Representative Buskey (JL), Chairman, submitted the Report of the Sunset Committee, and the report was ordered filed.

MOTION TO SUSPEND RULES ADOPTED

On motion of Representative Campbell, the rules were suspended for the Introduction of Resolutions.

LEAVE OF ABSENCE

At the request of Representative Buskey (JE), leave of absence was granted for Representative Bryant.

Also:

At the request of Representative Bowling, leave of absence was granted for Representative Drake.

RESOLUTIONS

The following resolutions were introduced:

By Representative Campbell:

H.R. 53. RELATIVE TO MEETING DAYS

BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES, That when we adjourn today, Thursday, April 18, 1991, we adjourn to meet again on Tuesday, April 23, 1991, at 1:00 p.m.

On motion of Representative Campbell, the rules were suspended and the resolution, H.R. 53, was adopted.

Also:

By Representatives Campbell, Anderson, Barnes, Beasley, Biddle, Black (L), Black (M), Blakeney, Bowling, Box, Bryant, Bugg, Burke, Buskey (JE), Buskey (JL), Butler, Cagle, Carns, Carothers, Carter, Clark (J), Clark (W), Clay, Cosby, Crow, Cullins, Curry, Dolbare, Drake, Escott-Russell, Flowers, Ford, Freeman, Fuller, Gaines, Gaston, Goodwin, Grayson, Gullatt, Hall, Hamilton, Hammett, Haney, Harper, Harvey, Hawkins, Haynes, Higginbotham, Hill, Hogan, Holladay, Holley, Holmes, Hooper, Johnson, Kennedy, Knight, Kvalheim, Laird, Layson, Letson, Lindsey, Mathis, McClain, McDaniel, McDowell, McKee, McMillan, Melton, Mikell, Millican, Morrow, Morton, Newman, Newton (C), Newton (D), Parker (P), Parker (T), Payne, Penry, Perdue, Petelos, Poole, Powell, Rich, Richardson, Rockhold, Rogers (F), Rogers (J), Sanderford, Sanderson, Smith (C), Smith (R), Spratt, Starkey, Thomas, Turner, Turnham, Venable, Walker, Warren, White, Williams, Willis and Zoghby:

H.J.R. 54. COMMENDING LOUIS G. GREENE FOR DISTINGUISHED SERVICE TO THE LEGISLATURE AND TO THE STATE OF ALABAMA.

WHEREAS, received with regret by the Legislative Council and herein duly recorded is the notice of retirement of Louis G. Greene as Director of the Legislative Reference Service and Secretary to the Council, 1970-1991; and

WHEREAS, a native of Birmingham and a resident of Montgomery since 1950, Mr. Greene is a graduate of the University of Alabama where he received his Juris Doctorate, and is a United States Army Air Corps veteran of World War II, with service dating from February 1942 to November 1945, including combat duty in the Pacific Theater; and

WHEREAS, Mr. Greene, who was engaged in the private practice of law at the time of appointment to office, assumed leadership of the Reference Service in November 1970 and, for the past more than twenty years, the agency's functions by authority of law have been under his direct and explicit supervision; and

WHEREAS, the responsibilities of the Reference Service are extensive and of far-reaching impact upon statutory and constitutional law; Mr. Greene, however, from the onset of his tenure, judiciously supervised his competent staff of legal analysts in these areas in the drafting of legislation, the pursuit of legal research, and in providing information and advice to the Council, to the Legislature, the Governor and other state departments and agencies; and

WHEREAS, by virtue of office, he also has directed the agency's staff in compiling and codifying the laws of Alabama; assembling and publishing the Local Laws Index as well as summaries of general laws enacted and proposed constitutional amendments; providing the Secretary of State with the indices to the Acts of Alabama; and, under the Administrative Procedure Act of 1981, assumed the responsibility of his department as the repository of agency rules and regulations and publisher of the Alabama Administrative Monthly and the Administrative Code; and

WHEREAS, in further charge, Mr. Greene supervised his staff's responsibility for compiling and publishing annual cumulative supplements to the 1975 Code of Alabama and, in recent years, was himself instrumental in his department's assumption of the major task of computerizing the Code and updated revisions for ready access by departments of state government, the legal community and other subscribers; and

WHEREAS, the tenure of Louis G. Greene as Director of the Legislative Reference Service has been one of significant accomplishment, and his assistance to the Legislature invaluable during a period of increasing complexity in questions of constitutional law and possible ramifications in addressing many exacting and more technical issues of the past two decades; and

WHEREAS, in addition, however, to noting his many professional contributions in service, we further feel compelled to note that, over the years, he has become a valued and trusted friend to countless members of the Legislature, the expanded Legislative family, and to his staff; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we hereby recognize, with deepest personal gratitude, the distinguished service and outstanding career of Louis G. Greene as Director of the Legislative Reference Service of the State of Alabama, and do further direct that he receive a copy of this resolution of sincere admiration and regard.

On motion of Representative Campbell, the rules were suspended and the resolution, H.J.R. 54, was adopted.

BILLS ON SECOND READING

Representative Zoghby, Chairperson of the Standing Committee on Banking, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, and they were severally read a second time and placed on the Calendar, to-wit:

H. 144. To amend section 5-13A-3, Code of Alabama 1975, relating to the acquisition of an Alabama bank holding company or an Alabama bank by a regional bank holding company, so as to provide further for any such acquisition.

H. 132. To amend Section 11-81-21, Code of Alabama 1975, relating to investment of municipal or county funds, so as to permit municipal and county

funds to be invested in certain open-end or closed-end investment trusts which are invested in direct obligations of the United States of America or repurchase agreements respecting such U. S. obligations.

H. 145. Relating to the administration of fiduciary accounts by duly authorized banks and trust companies by requiring timely investment of idle funds, by setting a quality standard, requiring a reasonable rate of return, providing for compensation and providing for the application of this act to fiduciary accounts now existing or hereafter created.

H. 146. Relating to motor vehicles so as to provide that a transaction does not create a sale or security interest merely because the transaction provides that the rental price may be adjusted by reference to the amount realized upon sale or other disposition of the motor vehicle; to provide for severability of the provisions of this act; to provide for repeal of conflicting laws; and to provide for an effective date.

Representative Beasley, Chairperson of the Standing Committee on Business and Labor, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, and they were severally read a second time and placed on the Calendar, to-wit:

H. 294. To amend Sections 13A-9-13.1, 13A-9-13.2, 8-8-15 and 12-17-224, Code of Alabama 1975, which relate to restitution for the negotiation of a worthless check or other negotiable instrument; so as to increase the service charge on such worthless checks or instruments.

H. 293. Relating to unemployment compensation; to amend Section 25-4-32 of the Code of Alabama 1975, so as to make indefinite the authority to requisition certain funds credited to the state's trust fund account in the United States treasury pursuant to Section 903 of the Social Security Act in compliance with a recent congressional amendment; to amend sections 25-4-40 and 25-4-54, Code of Alabama 1975, so as to extend the Employment Security Administration Enhancement Act through December 31, 1994; to make permanent the provisions for relief to certain employees affected by a declared natural disaster and to clarify the procedure for determining shared costs.

H. 84. To amend Sections 32-6-270 and 32-6-272 of the Code of Alabama 1975, so as to further define the term "Fire Fighter" and to provide further for their distinctive motor vehicle license plates.

Representative Lindsey, Chairperson of the Standing Committee on Agriculture, Forestry and Natural Resources, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, and they were severally read a second time and placed on the Calendar, to-wit:

H. 197. To amend Section 34-32-9, Code of Alabama 1975, relating to the qualifications for registration as professional soil classifiers, so as to provide further for such qualifications.

H. 326. To prohibit those nonresidents fishing pursuant to sport fishing licenses provided for in Sections 9-11-55 and 9-11-56, Code of Alabama 1975, from taking or attempting to take fish from the public waters of this State by means of one or more trotlines having a combination of more than one hundred hooks, to require daily inspection of permissible trotlines and to prescribe certain criminal penalties.

H. 342. To prohibit any person from willfully and knowingly preventing, obstructing, impeding, disturbing or interfering or attempt to prevent, obstruct, impede, disturb or interfere with any person in the lawful activities of hunting, trapping, or fishing in accordance with rules and regulations of the Department of Conservation and Natural Resources and the laws of the State of Alabama.

Representative Hooper, Chairperson of the Standing Committee on Commerce, Transportation and Utilities, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, and they were severally read a second time and placed on the Calendar, to-wit:

H. 131. Relating to the Alabama Public Service Commission; amending Sections 37-3-10, 37-3-11, 37-3-13, 37-3-15, 37-3-17, 37-3-21 and 37-3-22 of the Code of Alabama 1975, relating to motor vehicle carriers, so as to provide further for the regulation of such carriers and repealing Section 37-3-14 of the Code of Alabama 1975, which relates to the dual operations by motor vehicle carriers.

H. 72. To provide for the "Alabama Safety Belt Use Act of 1991"; to require front seat occupants of passenger cars to wear safety belts; to exempt certain persons from the provisions of this act; to prescribe a penalty for violation of the provisions of the act; and to provide for a phased-in implementation.

Representative Carothers, Chairperson of the Standing Committee on Health, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, and they were severally read a second time and placed on the Calendar, to-wit:

H. 149. To amend Section 34-24-80 and Section 34-24-83, Code of Alabama 1975, relating to the evaluation by the State Board of Medical Examiners of Colleges of Medicine located outside of the United States and the District of Columbia, so as to provide further for such evaluation and the licensing of graduates of such schools.

H. 289. To establish the requirements for informed consent for HIV testing; to provide that informed consent shall be implied under certain stated factual circumstances; to provide for counseling, referral to appropriate health care services, and explanation of individual responsibility shall be provided to any individual testing positive for HIV; and to provide for the confidentiality of HIV test results.

H. 333. To amend section 38-2-6, Code of Alabama 1975, relating to the duties, powers and responsibilities of the Alabama state department of human resources, so as to provide for establishing rules and standards for inspection and

approval of adult foster care homes and adult day care centers and homes.

Representative Gullatt, Chairperson of the Standing Committee on Local Government, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, and they were severally read a second time and placed on the Calendar, to-wit:

H. 79. To amend Section 11-43-80, Code of Alabama 1975, which authorizes a municipal governing body to employ the mayor as superintendent of the municipal utility system, so as to authorize said municipal governing body to establish the mayor's compensation for serving in such position.

H. 152. To amend Sections 11-51-90 and 11-51-93, Code of Alabama 1975, relating to municipal business licenses, so as to increase the fees and to increase the penalty for engaging in a business or vocation without a license.

H. 170. To amend Section 40-16-6, Code of Alabama 1975, which relates to the payment and distribution of financial institution excise taxes, so as to permit all incorporated municipalities to levy privilege license taxes on financial institutions.

H. 314. To amend Section 11-45-2, Code of Alabama 1975, so as to provide that in all towns and in cities of less than 12,000 population, no ordinance or resolution, intended to be of permanent operation shall be valid unless, on its final passage, a majority of the members elected to the council, including the mayor, shall vote in its favor.

H. 317. To authorize municipalities and counties to provide assistance to the governing body of any other municipality or county when such municipality or county has been declared a disaster area by the Governor of the State of Alabama or by the President of the United States, and provides a procedure by which such assistance may be implemented.

H. 128. To require persons engaged in the business of purchasing and receiving or collecting waste grease and animal by-products for rendering or recycling from businesses located in various cities of the state to pay a license tax in each such city; and to provide the rate of such license tax.

H. 107. To amend Section 11-50-1.1, Code of Alabama 1975, which prohibits municipalities from acquiring or duplicating services of certain waterworks systems, so as to also prohibit public corporations or entities created or operating pursuant to sections 11-50-230 through 11-50-241, Code of Alabama 1975, specifically, and chapter 50 of Title 11, Code of Alabama 1975, generally, from so acquiring or duplicating such services. The bill would also prohibit any waterworks system or an part thereof, operated by a corporation or association which has been organized under Sections 10-4-190 through 10-4-194, Sections 11-88-1 through 11-88-21, Sections 11-88-40 through 11-88-111, or Sections 11-89-1 through 11-89-19, from acquiring, or duplicating any services of any waterworks system or any part thereof, operated by a municipality or public corporation or entity created or functioning pursuant to Sections 11-50-230 through 11-50-241, Code of Alabama 1975, specifically, and Chapter 50, Title 11, Code of Alabama 1975, generally.

Representative Bowling, Chairperson of the Standing Committee on Local Legislation No. 1, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, and they were severally read a second time and placed on the Calendar, to-wit:

H. 9. Relating to Lamar County; repealing Act No. 81-629, H. 873, Regular Session 1981 (Acts 1981, p. 1046) entitled "An Act Relating to Lamar County; to establish a special fund in the county treasury to pay a bounty on beaver trapped or killed in Lamar County; to provide for the administration of said fund and bounty system."

H. 12. Relating to Geneva County, to require the county governing body to levy an annual license tax and registration fee on certain motor vehicles; to provide for the collection, administration and enforcement of said tax and fees and the distribution of the proceeds of said tax and fees; to provide for certain exemptions; and to condition the operation of said act upon the adoption of a local constitutional amendment and approval of this act by the voters at a referendum provided for herein.

H. 13. Relating to Geneva County; providing for the mode of establishing the construction, maintenance and repair of public roads, highways, bridges and ferries under the county unit system; authorizing and requiring the county governing body to employ and regulate the compensation of a county engineer; providing for the manner of selecting said engineer; prescribing his qualifications and requiring bond; defining his authority, powers and duties and those of the county governing body in relation to the roads, bridges and ferries of Geneva County; providing for an advisory referendum called for such purpose; and providing for an effective date.

H. 14. To propose a constitutional amendment relating to Geneva County, providing that the legislature may by local law: 1) require or authorize the county governing body to levy, administer, collect and enforce additional county license taxes and registration fees on motor vehicles; 2) provide for the distribution of the proceeds of said taxes and fees; and 3) provide for certain exemptions.

The above bill was read a second time at length as required by the Constitution.

H. 40. Relating to Covington County; to prohibit the placing of political signs, markers and advertising, on county controlled highways except for those signs or markers placed by or under the authority of the county.

RESOLUTIONS

The following resolution was introduced and distributed according to Joint Rule 11:

By Representative Layson:

H.R. 55. COMMENDING KEITH SWENDENBURG OF ETHELSVILLE, ALABAMA, FOR OUTSTANDING ACHIEVEMENT AND SERVICE.

Also:

The following resolutions were introduced:

By Representative Layson:

H.J.R. 56. COMMENDING KEITH SWENDENBURG OF ETHELSVILLE, ALABAMA, FOR OUTSTANDING ACHIEVEMENT AND SERVICE.

WHEREAS, Keith Swendenburg has been involved in scouting since joining the Boy Scouts in 1964 in Centreville, Georgia, where he went on to attain the rank of Life Scout and later participated in the Explorer program; and

WHEREAS, in 1983, he joined Troop 17 in Reform, Alabama, as Assistant Scoutmaster and, in 1985, became troop Scoutmaster; and

WHEREAS, Mr. Swendenburg, who has worked on the Junior-Leader Training Committee and headed the Council's 1990 contingent to the Philmont High Adventure Ranch, has been tapped for Virgil Honor Order of the Order of the Arrow, and recently received his woodbadge training beads; and

WHEREAS, in an extension of community involvement and service, Mr. Swendenburg also is a member and deacon at Ethelsville Baptist Church, and is a past vice-president of the Pickens County Athletic Club; and

WHEREAS, Keith Swendenburg, a graduate of Auburn University with a degree in agricultural economics, is one of our state's most prominent pork and timber producers; he is a director of both the Pickens County Farmers Federation and the State Pork Producers Association, was named Alabama Pork All-American in 1987, and represented the State of Alabama at the National Pork Producers Conference; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we hereby most highly commend Keith Swendenburg of Ethelsville, Alabama, for outstanding achievement and service to Boy Scouts of America, the community and to Alabama's pork and timber industries.

BE IT FURTHER RESOLVED, That in token of our sincere praise and esteem, a copy of this resolution shall be forwarded to Mr. Swendenburg.

On motion of Representative Layson, the rules were suspended and the resolution, H.J.R. 56, was adopted.

Also:

By Representative Butler:

H.J.R. 57. MOURNING THE DEATH OF WALTER FREDERICK EIGENBROD OF HUNTSVILLE, ALABAMA.

WHEREAS, it is with deep sadness and regret that the Legislature of Alabama records the death of Walter Frederick Eigenbrod of Huntsville, Alabama, on November 7, 1990, at the age of 77 years; and

WHEREAS, a native of New Orleans, Mr. Eigenbrod was a graduate of Louisiana State University with a B.A. degree, received his law degree from Tulane University in 1941 and was a practicing attorney in Louisiana until 1947, at which time he was admitted to the bar in Alabama; and

WHEREAS, Mr. Eigenbrod, one of Huntsville's and Alabama's most prominent attorneys, also was a national labor arbitrator and in 1962 was appointed by President John Kennedy to a presidential emergency board to investigate a major management dispute involving the New York Central Railroad; he further served by appointment of President Lyndon Johnson in 1967 as an advisor to the United Nations Conference on Trade and Development in Geneva, Switzerland; and

WHEREAS, his many professional affiliations included the American Arbitration Association Voluntary Labor Arbitration Panel; National Academy of Arbitrators; the Alabama and National Bar Associations; and the Huntsville-Madison County Bar Association, which he had served as president; and

WHEREAS, Mr. Eigenbrod, in an extension of his involvement and leadership, was a past president of the Huntsville Kiwanis Club and Kiwanis International; a member of the Huntsville Little Theatre board of advisors, the Alabama State Democratic Executive Committee and the Huntsville-Madison County Railroad Authority; was a past president and member of the board of Madison County Tuberculosis Association; and had served in 1950 as chairman of the Madison County March of Dimes; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we grievously mourn the death of Walter Frederick Eigenbrod of Huntsville, Alabama, and extend deepest sympathy to his beloved wife, Mrs. Marie Elizabeth Eigenbrod, and to other family members, for whom a copy of this resolution shall be provided that they may know of our shared sorrow in their great and inconsolable loss.

On motion of Representative Butler, the rules were suspended and the resolution, H.J.R. 57, was adopted.

Also:

By Representative Higginbotham:

H.J.R. 58. COMMENDING J. D. ROBINSON OF NORTH JEFFERSON COUNTY LODGE # 59, FRATERNAL ORDER OF POLICE.

WHEREAS, in highest commendation and esteem, the Legislature of Alabama congratulates J. D. Robinson of North Jefferson County Lodge #59, Fraternal Order of Police (F.O.P.), upon his selection as the state's most outstanding Member of the Year; and

WHEREAS, J. D. Robinson, who joined F.O.P. Lodge 59 as a charter member 18 years ago, is a 27-year veteran employee of the Jefferson County Sheriff's Department, currently a sergeant assigned to the department's patrol division with responsibility for department vehicle maintenance in addition to patrol duty; and

WHEREAS, Sergeant Robinson is indeed an outstandingly dedicated law enforcement officer whose commitment to excellence in the conduct of his many duties and responsibilities has been invaluable to the Jefferson County Sheriff's Department; and

WHEREAS, he also has long and well served his local F.O.P. lodge as a former President and State Trustee; currently, and for the past nine years, as Vice President; and, additionally, is the Lodge 59 representative to the Jefferson County Association of Lodges and a member of the State Lodges' Sound Committee; and

WHEREAS, Sergeant Robinson attends all meetings of the Local, State and National Lodges, often at his own expense; he is a tireless worker in all fund-raising activities, a participant in all F.O.P. programs and projects; a proponent of the goals and high ideals of the Fraternal Order of Police; and is a three-time selection as Member of the Year in Lodge 59; and

WHEREAS, J. D. Robinson truly embodies the sterling attributes of a loyal F.O.P. member who serves willingly and with selfless dedication in any task to the good and well-being of the Fraternal Order of Police; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That in recognition of outstanding achievement and service to the Jefferson County Sheriff's Department and to the Fraternal Order of Police, we hereby most highly commend J. D. Robinson and do further direct that he receive a copy of this resolution of honor and esteem.

On motion of Representative Higginbotham, the rules were suspended and the resolution, H.J.R. 58, was adopted.

Also:

By Representatives Mikell, Beasley, Johnson and Butler:

H.J.R. 59. DESIGNATING "TALK ABOUT PRESCRIPTION MONTH" IN ALABAMA, AND "ALABAMA PHARMACY WEEK."

WHEREAS, the improper use of prescription medicine is so pervasive in the U. S. that it is called America's other drug problem; and

WHEREAS, nearly 1.6 billion prescriptions were dispensed last year by licensed pharmacists, at a cost to Americans of nearly \$30 billion dollars; and

WHEREAS, up to half of medicines prescribed are used incorrectly, contributing to prolonged illness, avoidable side effects and interactions, unnecessary hospitalizations, and even death; and

WHEREAS, working age adults, ages 19-64, constitute the nation's most populous group of medication users; and

WHEREAS, over 200 million prescriptions are written annually for children and teenagers; and

WHEREAS, America's older consumers make up about 12% of the population but consume nearly 30% of all medicines; and

WHEREAS, there is a need for the public to be educated about the medicines they are prescribed before they take them; and

WHEREAS, there is a need for the public to understand the role of their pharmacist in the delivery of their health care and that the pharmacist is the medication expert; and

WHEREAS, the National Council on Patient Information and Education (NCPIE), a coalition of 260 organizations representing medicine, pharmacy, nursing, dentistry, allied health professions, consumer groups, government, industry, and voluntary health agencies, is committed to improving communication about prescription medicines; and

WHEREAS, the month of October has been designated as "Talk About Prescriptions Month" with the theme, "Break the Rx Silence Barrier: Talk About Prescriptions"; and

WHEREAS, the profession of pharmacy has designated the week of October 20-27, 1991, as "National Pharmacy Week" specifically to coincide with "Talk About Prescriptions Month"; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we hereby designate the month of October 1991 as "Talk About Prescriptions Month" in Alabama, and the week of October 20-27, 1991, as "Alabama Pharmacy Week," and call upon all citizens to observe this important cause by educating themselves about the prescription medicines they use, understanding the role of their pharmacist and the contributions they make, and to seek advice from their health care professionals about how to use the medicines they take safely and effectively.

On motion of Representative Mikell, the rules were suspended and the resolution, H.J.R. 59, was adopted.

Also:

By Representative Bugg:

H.J.R. 60. CREATING A JOINT INTERIM LEGISLATIVE COMMITTEE TO STUDY AND REPORT ON ADMINISTRATIVE COSTS VERSUS CLASSROOM EXPENDITURES IN THE PUBLIC SCHOOL SYSTEMS.

WHEREAS, it is necessary for the Legislature to appropriate funds for the

operation of the public school systems of this state during each fiscal year; and

WHEREAS, among other issues there exists considerable controversy over whether enough of the special educational trust fund appropriations are being expended at the classroom level; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That there is hereby created a joint interim legislative committee to study the relationship between the amounts of SETF appropriations used for administrative costs and the amounts of such appropriations used for classroom expenditures in grades K through 12 of the public school systems of this state. The committee shall be composed of four members of each house of the Legislature, to be appointed by the presiding officer of each house. The chairperson and vice-chairperson of the committee shall be elected at the first meeting by the members of the committee. The committee shall study all facets of administrative and classroom expenditures in the public school systems during the last five fiscal years.

Upon the request of the chairman, the Secretary of the Senate and the Clerk of the House shall provide such clerical assistance as may be necessary for the committee's work. The committee shall report its findings, conclusions and recommendations to the legislature not later than the 5th legislative day of the 1992 Regular Session. Each member of the committee shall be entitled to his or her regular legislative compensation, his or her per diem and travel expenses for each day he or she attends a meeting of the committee which shall be paid out of any funds appropriated for the use of the legislature, upon warrants drawn on the state comptroller upon requisitions signed by the committee's chairman; provided, however, that members shall not receive additional legislative compensation or per diem when the legislature is in session or if a member is being paid any other payments on the same dates for attendance of other state business. Provided further, that such committee shall not expend more than \$9,000 during the term of its existence.

The resolution, H.J.R. 60, was read and referred to the Standing Committee on Rules.

Also:

By Representative McKee:

H.J.R. 61. RATIFYING THE PROPOSED ORIGINAL SECOND AMENDMENT TO THE CONSTITUTION OF THE UNITED STATES DEFERRING CHANGES IN COMPENSATION TO MEMBERS OF THE UNITED STATES CONGRESS UNTIL AFTER THE NEXT ENSUING BIENNIAL ELECTION.

WHEREAS, the Legislature of the State of Alabama notes that the citizens of our great Nation have long been attempting to pull in the reins of federal spending and have long desired the highest degree of integrity and accountability from elected officials; and

WHEREAS, on September 25, 1789, the 1st Congress of the United States,

convened in New York City, submitted to the legislatures of the several states a proposed amendment to the United States Constitution designed to check the considerable power of the Congress to vary the compensation of its members; and

WHEREAS, the aforementioned amendment was presented to us by the outstanding constitutionalist, member of the 1st Congress and, later, fourth President of our Nation, James Madison; and

WHEREAS, believing that fiscal irresponsibility at the federal level poses one of the greatest threats which face our Nation, we firmly believe that constitutional restraint is vital to bring the fiscal discipline and the accountability of elected officials which is necessary to restore public confidence in the federal government; and

WHEREAS, this little-known and scarcely advertised 201-year-old proposal has received renewed attention, since it has been learned that it is still viable, and the legislatures of the states of Delaware, Maryland, North Carolina, South Carolina, Vermont and Virginia ratified it between the years 1789 and 1791; the General Assembly of the State of Ohio ratified it in the year 1873; the Legislature of the State of Wyoming ratified it in the year 1978; and the legislatures of the states of Alaska, Arizona, Arkansas, Colorado, Connecticut, Florida, Georgia, Idaho, Indiana, Iowa, Kansas, Louisiana, Maine, Minnesota, Montana, Nevada, New Hampshire, New Mexico, Oklahoma, Oregon, South Dakota, Tennessee, Texas, Utah, West Virginia and Wisconsin ratified it from 1983 to present; and legislation to ratify it has received the approval of the Senate of the State of California, the House of Representatives of the State of Illinois, the Senate of the State of Michigan, the House of Representatives of the State of Missouri and the House of Representatives of the State of North Dakota; and

WHEREAS, among other appropriate avenues of pursuit, Article V of the United States Constitution also provides that that great and noble document may be amended by the adoption of a particular proposal by a vote of two-thirds (2/3) of the members present in the two houses of the United States Congress which must then be ratified by the legislatures of three-fourths (3/4) of the several states and that was and remains the case with the proposed original Second Amendment which this resolution would ratify on behalf of the State of Alabama; and

WHEREAS, in 1939, the United States Supreme Court ruled in the case of Coleman v. Miller that if Congress submits a proposed amendment to the state legislatures without any deadline within which those legislatures must act, then the proposal in question remains as pending business before those legislatures and they may, at their discretion, continue to consider its merits; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF THE STATE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That the proposed original Second Amendment to the United States Constitution stipulating a delay in variations in the compensation of members of the United States Congress which reads as follows: "Article the Second...No law, varying the compensation for the services of the Senators and Representatives, shall take effect, until an election of Representatives shall have intervened." be and the same hereby is ratified by the Legislature of the State of Alabama; and

BE IT FURTHER RESOLVED, That properly inscribed copies of this resolution be forwarded by the Clerk of the Alabama House of Representatives to the Archivist of the United States in Washington, D.C., to the Vice-President of the United States as the presiding officer of the United States Senate, to the Speaker of the United States House of Representatives, and to both United States Senators and all United States Representatives from the State of Alabama with the request that it be printed in full in the Congressional Record.

The resolution, H.J.R. 61, was read and referred to the Standing Committee on Rules.

LEGISLATIVE COUNCIL

The House elected Representatives Williams, Freeman and Laird as members of the Legislative Council.

INTRODUCTION OF BILLS

Upon a call of Districts, bills were introduced, severally read one time and referred to appropriate standing committees as follows:

By Representative Mathis:

H. 347. To amend Sections 40-6-1, 40-6-3, and 40-6-4, Code of Alabama 1975, as amended, relating to the qualifications, compensation, and benefits of supernumerary tax assessors, tax collectors, revenue commissioners, license commissioners or other elected or appointed officials charged with the assessment and/or collection of ad valorem taxes, so as to establish the minimum age of qualification; to provide for an increase in compensation; to provide further for the method of determining such compensation; to provide for future increases in such compensation; to provide for an increase in compensation of surviving spouses of such officials and for future increases in such compensation; to exempt the compensation of such officials and their surviving spouses from state income tax after 1991; and to repeal Sections 40-6-5, 40-6-7 and 40-6-8, which relate to election to participate in the tax collectors and tax assessors supernumerary program.

COMMITTEE ON WAYS AND MEANS

By Representative Mathis:

H. 348. Proposing an amendment to the Constitution of Alabama of 1901, authorizing the tax assessors, tax collectors, revenue commissioners, license commissioners and other ad valorem tax officials in the various counties of this state to elect to participate in the state employees' retirement system or the county retirement system, if available; providing for an election between the state employees' retirement system and a county retirement system; prohibiting future officials taking office for the first time after the effective date of this amendment from participating in the supernumerary program provided by Title 40, Chapter

6, Code of Alabama 1975; and providing that such officials presently participating in the supernumerary program may continue therein.

COMMITTEE ON WAYS AND MEANS

The above bill was read a first time at length as required by the Constitution.

By Representatives Carns and Sanderson (With Notice and Proof):

H. 349. To authorize the county commission of Jefferson County, Alabama, acting pursuant to Amendment No. 373 to the Constitution of Alabama of 1901, to increase the rate at which there is levied and collected by Jefferson County, on all taxable property situated within the special school tax district subject to the jurisdiction and control of the Board of Education of the City of Mountain Brook, the special ad valorem tax for public school purposes which is authorized in Amendment No. 316 to the Constitution, to a maximum rate, for any tax year of the county, which is equal to \$1.85 on each one hundred dollars (18.5 mills on each dollar) of assessed value.

COMMITTEE ON LOCAL LEGISLATION NO. 2

I HEREBY CERTIFY THAT THE NOTICE & PROOF IS ATTACHED TO THE BILL, H. 349, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON, CLERK

By Representatives Johnson, Hill, Beasley, and Haynes:

H. 350. To amend Section 40-17-170 and Section 40-17-171, Code of Alabama, 1975, to provide that purchases of lubricating oil for agricultural use shall be exempt from taxation under the levy provided for in Section 40-17-171; to provide for a definition of agricultural use under Section 40-17-170; and authorizes rulemaking authority to the department of revenue.

COMMITTEE ON WAYS AND MEANS

By Representatives Burke and Lindsey:

H. 351. Proposing an amendment to the Constitution of Alabama of 1901, as amended, to provide that every mayor, sheriff and elected county official shall be entitled to participate in the Employees' Retirement System of Alabama, its successor state employee retirement system, or any municipal or county retirement system in which the employees of such official's respective municipality or county may participate and such official's participation shall be upon the same terms and conditions as may be specified by law or regulation from time to time for the respective municipal or county employees, as the case may be, participating in such retirement system. For the purposes of this amendment the term "elected county official" shall include any official appointed to serve the remaining term of a county elective office.

COMMITTEE ON WAYS AND MEANS

The above bill was read a first time at length as required by the Constitution.

By Representatives Buskey (JE), Grayson, and McDowell:

H. 352. To amend Section 17-8-25, Code of Alabama 1975, relating to the number of ballots to be provided for each voting place, so as to decrease the required number.

COMMITTEE ON CONSTITUTION AND ELECTIONS

By Representatives Rogers (F), White, Petelos, Sanderson, Hawkins, Gaines, Laird, Spratt, Zoghby, Warren, Box, Barnes, Campbell, Curry, Rogers (J), Newton (D), McDowell, and Morrow:

H. 353. To provide an 18.8% increase in judicial retirement benefits beginning in October of 1991, for those retired district judges who assumed the office of district judge prior to July 30, 1979, and who retired before October 1, 1991; to provide that the board of control of the employees' retirement system shall compute the costs required and provide for payment of such amounts from the judicial retirement fund; to provide for an appropriation from the state general fund to cover the cost of the increase in benefits; to provide that this act shall supersede any inconsistent and conflicting laws; to provide that the increase shall not increase any local supplement or retirement benefits for retired district judges unless approved by the county commission affected; and to provide for an effective date.

COMMITTEE ON WAYS AND MEANS

By Representatives Hill, Johnson, Beasley, Millican, and Knight:

H. 354. To amend §40-17-31 (a) and §40-17-171, Code of Alabama, 1975, to provide that purchases of gasoline and lubricating oil by city and county boards of education, the Alabama Institute for Deaf and Blind, and the Department of Youth Services School District shall be exempt from taxation under the levy provided for in §40-17-31 (a) and §40-17-171, Code of Alabama, 1975.

COMMITTEE ON WAYS AND MEANS

By Representatives Williams and Cosby:

H. 355. To amend Sections 28-3-1 and 28-3-187.1, Code of Alabama 1975, relating to alcoholic beverages, so as to define the term "brandy" and to exempt brandy from certain labeling requirements.

COMMITTEE ON JUDICIARY

By Representatives McDaniel and Rich:

H. 356. To provide for participation of employees of regional and local legislative delegation offices in the state employees' retirement system.

COMMITTEE ON WAYS AND MEANS

By Representatives Carothers, Muthis, and Beasley:

H. 357. To amend Section 11-88-5 of the Code of Alabama 1975, as amended, relating to the authorization and procedure for amendment of the certificate of incorporation of water, sewer and fire protection authorities so as to permit changes in the number of directors of such authorities to any odd number thereof that the board shall deem appropriate, and to provide that the total number of directors of any such authority shall be not less than three or more than nine; to validate the membership of the boards of directors of all such authorities as are presently in existence; and to provide an effective date.

COMMITTEE ON HEALTH

By Representatives Lindsey, Burke, Penry, Hamilton, and Blakeney:

H. 358. To amend §8-17-80 so that the definition of lubricating oil is expanded to also include hydraulic oil, transmission oil, and all other types of oil of every type; to amend §8-17-87 so that lubricating oil now only reads oil; to amend §8-17-91 by changing the amount of proceeds received by the Department of Agriculture and Industries from \$175,000 per month up to \$260,000 per month.

COMMITTEE ON WAYS AND MEANS

By Representatives Black (L), Blakeney, and Dolbare:

H. 359. To repeal Sections 16-9-5, 16-9-6 and 16-9-7 of the Code of Alabama 1975, relating to the nomination by political parties, primary election to nominate and instructions on the ballot of county superintendents of education.

COMMITTEE ON EDUCATION

By Representative Powell:

H. 360. To amend Section 2-15-66 which prohibits certain market employees from purchasing livestock at their market so as to allow market employees to purchase livestock at their market to fill off-market orders; to amend Section 2-15-90 which defines livestock market to allow this definition to also mean person as set out in Section 2-15-91; to amend Section 2-15-93 which requires a bond for livestock weighers to allow the market to post one bond in the amount of \$1,000.00 for all its weighers, but the market shall be liable for the actions of all its weighers and to also allow a bond equivalent to be issued instead of a bond.

COMMITTEE ON AGRICULTURE, FORESTRY
AND NATURAL RESOURCES

By Representatives Knight, Hill, Payne, Gaines, Hawkins, Curry, Carns, and Sanderson:

H. 361. To amend Section 11-50-234 of the Code of Alabama 1975, relating to the boards of directors of waterworks and sewer boards so as to require each county and each municipal corporation containing more than 8,000 persons to

appoint one (1) director to the board of directors of each corporation which provides a system or systems to more than one (1) county and more than five (5) municipalities containing more than 8,000 persons.

COMMITTEE ON LOCAL GOVERNMENT

By Representatives Lindsey, Hamilton, and Butler:

H. 362. To expressly repeal Section 9-11-49.2, Code of Alabama 1975, relating to treatment of certain nonresident individual Alabama property owners as Alabama residents for the purpose of procuring certain hunting licenses.

**COMMITTEE ON AGRICULTURE, FORESTRY
AND NATURAL RESOURCES**

By Representatives McDowell, Newton (D), Rogers (F), Barnes, Curry, Carns, Hawkins, Gaines, Buskey (JL), Perdue, Spratt, McClain, Payne, and Campbell:

H. 363. To create a new circuit judgeship in the tenth judicial circuit, Bessemer cut-off division.

COMMITTEE ON WAYS AND MEANS

By Representative McKee:

H. 364. To allow certain members of the teachers' retirement system to purchase a limited maximum of prior service rendered to a specific defined educational institution in the state accredited by the Southern Association of Colleges and Schools and the state whose employees are not members of the teachers' retirement system.

COMMITTEE ON WAYS AND MEANS

By Representatives Penry, McMillan, and Clark (J):

H. 365. To provide for and require a "commercial party boat" license for certain fishing boats; to provide that persons fishing on said boats may do so and may land certain fish, without a fishing license; to provide for the application for and issuance of said licenses; to prohibit the transfer of, borrowing of, lending of or alteration of, said licenses; to prohibit the back-dating of said licenses; to provide for an annual expiration date for said licenses; to provide misdemeanor penalties for the violation of this act; to provide for the remittance of and use of license revenues; and to provide for an effective date of this act.

**COMMITTEE ON AGRICULTURE, FORESTRY
AND NATURAL RESOURCES**

By Representative Petelos (With Notice and Proof):

H. 366. To amend Chapter 65 of Title 11 of the Code of Alabama 1975, which relates to horse racing and pari-mutuel wagering thereon in Class 1

municipalities, for the following purposes: to make certain legislative findings concerning the experience of the state's only Class 1 municipality with horse racing and pari-mutuel wagering thereon and the economic desirability of authorizing greyhound racing and pari-mutuel wagering thereon in a Class 1 municipality (now defined by statute to be a city with a population of 300,000 inhabitants or more as certified by the 1970 decennial census); to define the particular terms to be used in said Chapter 65 as amended by this act; to authorize a Class 1 municipality (the "sponsoring municipality") to incorporate a racing commission with power to license and regulate horse racing and pari-mutuel wagering thereon or greyhound racing and pari-mutuel wagering thereon or both; to provide that a racing commission incorporated pursuant to said Chapter 65 will be subject to the jurisdiction of the state ethics commission; to define a host county for a racing commission as the county in which a majority of the residents of the sponsoring municipality reside and to provide that a racing commission incorporated for a sponsoring municipality will have power to license and regulate racing and wagering activities only in the part of such sponsoring municipality that is located in the host county; to provide for elections in the host county to authorize the incorporation of a racing commission and to determine the powers thereof; to amend said Chapter 65 concerning the appointment of certain members of a racing commission and the appointment of deputy members by certain members; to provide alternative arrangements for the appointment of the treasurer of a commission; to amend said Chapter 65 concerning the powers and duties of a racing commission and to impose certain limitations on such powers and duties respecting the confidentiality of information pertaining to a licensed operator and the rights of such operator to conduct its business under the supervision of the commission; to provide conditions relating to the award and use of licenses for horse racing, greyhound racing and pari-mutuel wagering thereon; to authorize retroactively and ratify the action of an existing racing commission in entering into a contract to grant a prospective licensee a license for greyhound racing and pari-mutuel wagering thereon prior to the legislative enactment of the commission's authority to grant such license; to modify the provisions of said Chapter 65 respecting a license to own or use a horse racing facility; to modify the application and review procedure for granting an operator's license to reflect the additional power and duty of a commission to license and regulate greyhound racing and pari-mutuel wagering thereon; to modify the terms of an operator's license concerning its periodic review and revocation, the allowance of successive three year renewal terms after the initial term of 20 years, and the scheduling and conducting of licensed activities; to modify the ownership requirements applicable to holders of horse racing facility licenses and holders of operator's licenses to conduct horse racing or greyhound racing; to modify the procedure of a commission for reviewing and granting permits for persons to work at a racing facility; to provide for judges for greyhound racing and to modify the appointment procedure for stewards for horse racing; to authorize and provide rules for the conduct of pari-mutuel wagering on greyhound racing events; to specify the minimum proportionate amounts of the deposits to pari-mutuel pools for greyhound racing that are to be distributed to the holders of winning pari-mutuel tickets; to provide for the payment of license fees for pari-mutuel wagering on greyhound racing by each licensed operator to the racing commission licensing such operator and to specify the methods for determining the amounts of such fees and the schedule on which such fees shall be payable; to provide for a greyhound racing operator to hold commission racing days in each calendar year with the

profits therefrom to go to the commission or charitable organizations designated by the commission; to provide that horse racing or greyhound racing events conducted outside the sponsoring municipality may be televised to a racing facility under the jurisdiction of a commission and made the subject of pari-mutuel wagering for which the pari-mutuel pools may include both bettors placing their bets at the racing facility under the jurisdiction of a commission and bettors placing their bets at other locations in the state or in other states; to provide that horse racing or greyhound racing events conducted at a racing facility under the jurisdiction of a commission may be televised to other locations in the state or in other states and made the subject of pari-mutuel wagering for which the pari-mutuel pools may include both bettors placing their bets at the racing facility under the jurisdiction of a commission and bettors placing their bets at other locations to which such racing events are televised; to modify the purposes for which the net revenues of a racing commission remaining after the payment of its expenses are to be applied and to provide for the disbursement of such net revenues for such purposes; to modify the prohibitions of said Chapter 65 against certain activities so as to make such prohibitions applicable to greyhound racing and pari-mutuel wagering thereon; to modify the penalties for certain prohibited activities concerning racing and pari-mutuel wagering; in the event that a state racing commission shall be established at any time, to provide in such event that any racing commission created under said Chapter 65 and its license for both horse racing and greyhound racing shall be exempt from the jurisdiction of such state racing commission and from all laws providing for or relating to such state racing commission; to provide that the provisions of said Chapter 65 as modified by the act shall be severable; and to provide for such other matters as are necessary to authorize, regulate, license, administer and supervise both horse racing and pari-mutuel wagering thereon and greyhound racing and pari-mutuel wagering thereon in Class 1 municipalities.

COMMITTEE ON LOCAL LEGISLATION NO. 2

I HEREBY CERTIFY THAT THE NOTICE & PROOF IS ATTACHED TO THE BILL, H. 366, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON, CLERK

By Representatives Hooper, Clark (J), Freeman, Campbell, Flowers, Parker (T), Cosby, Williams, Higginbotham, Gaines, Curry, Hawkins, Petelos, Newton (D), Sanderson, Gaston, Kvalheim, McMillan, and Clay:

H. 367. To authorize the State Industrial Development Authority to sell and issue, from time to time, up to \$100,000,000 in principal amount of its bonds in addition to those heretofore authorized to be issued by it, provided not more than \$10,000,000 in aggregate amount shall be issued in any two-year period and not more than \$40,000,000 in aggregate principal amount shall be outstanding at any one time; to expand certain powers and duties of the Authority, including the power to make grants from the proceeds of the said additional bonds to certain grantees, subject to certain limitations, for the purpose of paying costs of preparation of sites for use by certain enterprises; to provide that the Authority may issue and sell such bonds for the purpose of making the said grants; to provide for the execution, form and terms of such bonds and for the terms of sale

thereof; to provide that such bonds and the income therefrom shall be exempt from taxation, that such bonds may be used to secure deposits of funds of the state and its political subdivisions, instrumentalities and agencies, shall be legal for investment of fiduciary funds and funds of the Teachers' Retirement System of Alabama, the Employees' Retirement System of Alabama, and the State Insurance Fund, and shall not create an obligation or debt of the state; to provide for the deposit, investment and disposition of the proceeds of the sale of the bonds of the Authority; to make an appropriation and pledge of funds from the special tax levied by Sections 40-25-2 and 40-25-23, Code of Alabama 1975, to the extent necessary to pay the principal of and interest on bonds of the Authority; to authorize the Authority to pledge the funds so appropriated for the payment of the principal of and interest on its bonds; to provide that such principal and interest shall be payable solely from the funds so appropriated; and to provide that the state treasurer shall be the custodian of the funds of the Authority.

**COMMITTEE ON COMMERCE,
TRANSPORTATION AND UTILITIES**

By Representatives Williams, Clark (J), Lindsey, Smith (C), Hooper, Flowers, Turnham, White, Payne, Butler, Parker (P), Cullins, Fuller, Blakeney, Knight, Thomas, Laird, Hall, Biddle, Hawkins, Dolbare, Hogan, Harvey, Spratt, Gaston, Hamilton, McMillan, Starkey, Willis, Layson, Sanderford, Walker, Clay, Penry, Kvalheim, Holley, Warren, Richardson, Johnson, Haynes, McKee, Venable, Rich, Petelos, Burke, Carter, Crow, Ford, Hammett, Hill, Newman, Mathis, Millican, Newton (C), Bowling, Gullatt, McDaniel, Melton, Gaines, Higginbotham, Smith (R), Sanderson, Letson, Carothers, Zoghby, Curry, Rogers (J), and Turner:

H. 368. To appropriate from the general fund of the state treasury the sum of \$1,000,000.00 for the fiscal year ending September 30, 1991, to the Department of Agriculture and Industries Agricultural Development Services Program which sum shall be allocated to the Boll Weevil Eradication Foundation for use in boll weevil eradication; to provide that such appropriation shall be supplemental.

**COMMITTEE ON AGRICULTURE, FORESTRY
AND NATURAL RESOURCES**

By Representatives Smith (C) and Powell:

H. 369. To amend Sections 16-28-3, 16-28-7, 16-28-9, and 16-28-11, Code of Alabama, 1975, relating to compulsory school attendance, enrollment, and reporting so as to lower the minimum compulsory attendance age from seven to age five.

COMMITTEE ON EDUCATION

By Representatives Kennedy, Starkey, and Zoghby:

H. 370. To amend certain sections in Title 40 of the Code of Alabama 1975, relating to crimes and offenses committed by employees of the Department of Revenue for violations of revenue and taxation statutes, regulations and procedure

requiring confidentiality of information and certain exclusions therefrom; to amend Section 40-18-52, Code of Alabama 1975, to increase the punishment for violation of the confidentiality of income tax returns and income tax information and to amend Section 40-1-33, Code of Alabama 1975, so as to increase the punishment for violation of the confidentiality of all tax returns and information secured by the Department of Revenue; to amend Section 40-1-33, Code of Alabama 1975, to provide for the promulgation of rules and regulations permitting the exchange of tax information with other federal, state, county and municipal government tax agencies and associations of state tax agencies; and to specifically repeal Sections 40-23-29 (relating to confidentiality of sales tax returns), 40-23-84 (relating to confidentiality of use tax returns), 40-14-57 (relating to confidentiality of franchise tax returns), and 40-17-202 (relating to confidentiality of carriers and warehouse returns) of the Code of Alabama 1975 since those provisions would be duplicative of Section 40-1-33, Code of Alabama 1975.

COMMITTEE ON WAYS AND MEANS

By Representatives Kennedy, Starkey, and Zoghby:

H. 371. To amend Section 40-23-68 of the Code of Alabama 1975, to require out-of-state businesses with Alabama nexus to collect and report Alabama Use Tax on their sales to Alabama customers, and to provide for an effective date.

COMMITTEE ON WAYS AND MEANS

By Representative Mikell:

H. 372. To provide a statutory basis for the recovery of unclaimed property from out-of-state holders when such holders did not originate the unclaimed property and are merely intermediaries, and to clarify that the last known address of the unclaimed property holder is unknown, and to provide that subsection (a) shall apply to all property held at the time of enactment, or at any time thereafter, regardless of when such property became or becomes presumptively abandoned.

COMMITTEE ON JUDICIARY

By Representative Clark (W):

H. 373. To further provide for sick leave credit for certain state employees employed by the State Department of Education.

COMMITTEE ON WAYS AND MEANS

By Representative Harper:

H. 374. To provide further for the availability of indigent health care, the operation of the medicaid program and the maintenance and expansion of medical services thereunder by imposing a privilege tax upon every provider of pharmaceutical services, except hospital inpatient pharmacies; to provide for collection of such tax and penalties; to provide for appropriations of such funds

and their use by the Alabama medicaid agency; to prohibit the reduction or elimination of revenues resulting from this act which are applied to certain medicaid covered services or other enhancements; to require the timely payment by the Alabama medicaid agency of reimbursement due pharmaceutical providers; to provide that the provisions of this act shall remain effective only so long as adequate federal financial participation is available; and to authorize the department of revenue to adopt regulations as necessary to administer collection of the tax.

COMMITTEE ON WAYS AND MEANS

By Representative Harper:

H. 375. To provide for the creation of the Alabama Health Care Trust Fund in the state treasury; to appropriate monies in the fund to the Alabama medicaid agency; to provide that monies in the fund shall not revert to the general fund but shall be carried forward into each succeeding fiscal year; and to limit the reduction of appropriations to the medicaid agency from the general fund.

COMMITTEE ON WAYS AND MEANS

By Representative Harper:

H. 376. To provide further for the availability of indigent health care, the operation of the medicaid program and the maintenance and expansion of medical services thereunder by imposing a privilege tax upon every nursing facility which has an agreement to participate in the Alabama medicaid program; to provide for collection of such tax and penalties; to provide for appropriations of such funds and their use by the Alabama medicaid agency; to require the timely payment by the Alabama medicaid agency of reimbursement due nursing facilities; to prohibit the reduction or elimination of revenues resulting from this act which are applied to certain medicaid covered services or other enhancements; to provide that the provisions of this act shall remain effective only so long as adequate federal financial participation is available; and to authorize the department of revenue to adopt regulations as necessary to administer collection of the tax.

COMMITTEE ON WAYS AND MEANS

By Representative Harper:

H. 377. To provide further for the availability of indigent health care, the operation of the medicaid program and the maintenance and expansion of medical services thereunder by imposing a privilege tax upon every disproportionate share hospital in the state; to provide for collection of such tax and penalties; to provide for appropriations of such funds and their use by the Alabama medicaid agency; to provide for reimbursement of certain costs incurred by disproportionate share hospitals; to require the timely payment by the Alabama medicaid agency of disproportionate share payments due hospitals; to prohibit the reduction or elimination of revenues resulting from this act which are applied to certain medicaid covered services or other enhancements; to provide that the provisions of this act shall remain effective only so long as adequate federal financial participation is available; and to authorize the department of revenue to adopt regulations as necessary to administer collection of the tax.

COMMITTEE ON WAYS AND MEANS

By Representatives Sanderson, Gaines, Curry, Hawkins, Laird, Penry, Petelos, Knight, Payne, Sanderford, Biddle, Smith (R), Box, Millican, Hill, Morrow, Holley, Hooper, Harvey, and McDaniel:

H. 378. To require that an applicant who offers himself to vote at a polling place to show some form of identification that he is the person on that polling place's list of qualified voters; to require the election official to check if an applicant to vote has already voted by absentee ballot; to prohibit a person from voting more than once in the same election; to prohibit the use of false identification to vote when or where an individual is not qualified; and to provide for criminal penalties for election officials and other persons who violate the provisions of this act.

COMMITTEE ON COMMERCE,
TRANSPORTATION AND UTILITIES

By Representative Harper:

H. 379. To exempt all Dixie Baseball/Softball leagues in the State of Alabama from the payment of all state, county and municipal sales and use taxes on purchases made for uniforms and equipment of the Dixie Baseball/Softball leagues in the State of Alabama.

COMMITTEE ON WAYS AND MEANS

By Representative Harper:

H. 380. To amend Section 2(C)(111) of Act 90-764 of the 1990 Regular Session so as to provide for the retention of inspection and supervision fees to meet the financial responsibilities of the Public Service Commission.

COMMITTEE ON WAYS AND MEANS

By Representatives McMillan, Penry, Kvalheim, and Gaston:

H. 381. To amend Section 28-3A-25 of the Code of Alabama 1975, relating to alcohol-related offenses in illegally selling, consuming, transporting and manufacturing alcoholic beverages, beer and wine, so as to further broaden the applicability of such offenses to include any licensee of the board.

COMMITTEE ON JUDICIARY

RESOLUTIONS

The following resolutions were introduced:

By Representative Holmes:

H.J.R. 62. PROVIDING FOR A LEGISLATIVE RESEARCH ASSISTANT FOR EACH MEMBER OF THE ALABAMA LEGISLATURE AND PROVIDING FOR THE SALARY FOR SUCH POSITION.

WHEREAS, serving in the Alabama Legislature is a part-time position; and

WHEREAS, the duties required from a member of the Alabama Legislature demand more time than possible from a part-time position; and

WHEREAS, members of the Alabama Legislature have limited staff support; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That there is hereby created the staff position of legislative research assistant for each member of the Alabama Legislature whose duties shall include, but not be limited to, assisting the legislator with constituent requests, obtaining information from state departments on pending legislative issues, preparing presentations and speech materials, and further assisting the legislator in carrying out the duties and responsibilities of his or her position. Each member of the Alabama Legislature may appoint one legislative research assistant who shall serve at the pleasure of that member.

BE IT FURTHER RESOLVED, That the compensation of each legislative research assistant shall be set by the Legislative Council, provided however, such compensation shall not exceed \$25,000 annually and shall be paid from funds appropriated for use of the Legislature and shall be payable in the same manner as the salaries of other state employees are paid.

MOTION TO SUSPEND RULES LOST

The motion offered by Representative Holmes to suspend the rules and adopt the resolution, H.J.R. 62, was lost.

Yeas 12; Nays 44.

Yea:

Representatives Anderson, Barnes, Black (L), Box, Buskey (JL), Clark (W), Grayson, Holmes, Kennedy, Newton (D), Perdue and Spratt.

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Nay:

Representatives Black (M), Blakeney, Burke, Campbell, Carns, Cosby, Crow, Cullins, Curry, Dolbare, Gaines, Gaston, Gullatt, Hamilton, Harvey, Hawkins, Higginbotham, Hill, Holladay, Holley, Knight, Kvalheim, Lindsey, McDaniel, McMillan, Mikell, Millican, Morton, Newman, Newton (C), Parker (T), Payne, Penry, Petelos, Powell, Rich, Rockhold, Rogers (F),

Sanderson, Smith (C), Smith (R), Venable, Willis and Zoghby.

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PERMISSION GRANTED

Permission was granted for the Journal to reflect that Representative Laird intended to vote "Nay" on adoption of the resolution, H.J.R. 62.

The resolution, H.J.R. 62, was read and referred to the Standing Committee on Rules.

Also:

By Representative Holmes:

H.J.R. 63. PROVIDING FURTHER FOR EXPENSE ALLOWANCES AND PER DIEM FOR MEMBERS OF THE LEGISLATURE.

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That each member of the Legislature shall be entitled to and shall be paid ninety-five dollars (\$95) per diem for five days of each week in which the Legislature convenes during any regular session, special session, or organizational session. Each member of the Legislature shall be entitled to and shall be paid ninety-five dollars (\$95) per diem for the performance of his or her duties as a member of any interim legislative committee authorized by the Legislature. Such payment is conditioned upon actual attendance at scheduled interim committee meetings. Such per diem expense allowance of ninety-five dollars (\$95) is in lieu of any per diem expense heretofore provided for members of the Legislature.

BE IT FURTHER RESOLVED, That each member of the Legislature shall be entitled to and shall be reimbursed for actual expenses incurred in the performance of his or her duties outside the State of Alabama. Such reimbursement shall be in addition to the per diem expense allowance of ninety-five dollars (\$95) to be provided for members of the Legislature.

BE IT FURTHER RESOLVED, That each member of the Legislature shall be entitled to and shall be paid two thousand and four hundred dollars (\$2,400) per month for expenses incurred in the performance of his or her duties, to be paid at the end of each month during his or her term. Such monthly expense allowance of two thousand and four hundred dollars (\$2,400) shall be in lieu of any monthly expense allowance currently provided for members of the Legislature. Provided, however, that said monthly expense allowance of two thousand and four hundred dollars (\$2,400) shall be in addition to the reasonable expense allowance provided to presiding officers as authorized in Act No. 1196 of the 1971 Regular Session of the Alabama Legislature.

BE IT FURTHER RESOLVED, That those members of the Legislature who vote in favor of suspending the rule which requires this resolution be referred to

standing committee shall be entitled to receive the expense allowances and per diem provided for herein without further action. The remaining members of the Legislature shall continue to be entitled to the expense allowances and per diem provided for by Act No. 87-209, HJR 287 of the 1987 Regular Session (Acts of 1987, p. 298). Provided, however, any such member shall become entitled to receive the expense allowances and per diem provided for herein upon filing an affidavit with the state comptroller requesting the payment of such expense allowances and per diem.

The resolution, H.J.R. 63, was read and referred to the Standing Committee on Rules.

Also:

By Representative Campbell:

H.J.R. 64. RELATIVE TO MEETING DAYS

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That when the two houses adjourn today, Thursday, April 18, 1991, they adjourn to meet again on Tuesday, April 23, 1991.

On motion of Representative Campbell, the rules were suspended and the resolution, H.J.R. 64, was adopted.

H. 287 REREFERRED

No objection being offered, the Speaker rereferred the bill, H. 287, from the Standing Committee on Ways and Means to the Standing Committee on Health.

CERTIFICATE OF CLERK

To the House of Representatives:

I hereby certify that the House Joint Resolutions mentioned were delivered to the Executive Department on the date and hour named and that I hold the receipt of the Executive Department for same.

Delivered to the Governor at 11:00 A.M. on April 18, 1991.

H.J.R. 2

H.J.R. 3

JOHN W. PEMBERTON
Clerk

ADJOURNMENT

On motion of Representative Campbell and pursuant to the resolution, H.R. 53, heretofore adopted, the House adjourned until 1:00 o'clock p.m., Tuesday, April 23, 1991.

THIRD DAY

**House of Representatives
Montgomery, Alabama
Tuesday, April 23, 1991**

The House met pursuant to adjournment.

PRAYER

The session was opened with prayer by Pastor Miles Chapman, Dalraida Church of Christ, Montgomery, Alabama.

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Emily Dolbare and Mary Marjorie Cowsert, Millry High School, Millry, Alabama.

ROLL CALL

On a call of the roll of the House, the following members answered to their names:

Mr. Speaker, Anderson, Barnes, Beasley, Biddle, Black (L), Black (M), Blakeney, Bowling, Box, Bugg, Burke, Buskey (JE), Buskey (JL), Butler, Cagle, Campbell, Carns, Carothers, Carter, Clark (W), Clay, Cosby, Crow, Cullins, Curry, Dolbare, Drake, Escott-Russell, Flowers, Ford, Freeman, Fuller, Gaines, Gaston, Goodwin, Grayson, Gullatt, Hall, Hamilton, Hammett, Haney, Harper, Harvey, Hawkins, Haynes, Higginbotham, Hill, Hogan, Holladay, Holley, Holmes, Hooper, Johnson, Kennedy, Knight, Kvalheim, Laird, Layson, Letson, Lindsey, Mathis, McClain, McDaniel, McDowell, McKee, McMillan, Melton, Mikell, Millican, Morrow, Morton, Newman, Newton (C), Newton (D), Parker (P), Parker (T), Payne, Penry, Perdue, Petelos, Poole, Powell, Rich, Richardson, Rockhold, Rogers (F), Rogers (J), Sanderford, Sanderson, Smith (C), Smith (R), Spratt, Starkey, Thomas, Turner, Turnham, Venable, Walker, Warren, White, Williams, Willis and Zoghby.

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A quorum was present.

REPORT OF STANDING COMMITTEE ON RULES

House of Representatives:

Your Standing Committee on Rules begs leave to report that it has carefully examined the Journal of the House for the second legislative day and finds the same to be correct.

TOMMY CARTER
Chairman

On motion of Representative Carter, the reading at length of the Journal of the House for the second legislative day was dispensed with, the Report of the Standing Committee on Rules was concurred in and adopted and the Journal for the second legislative day was approved.

LEAVE OF ABSENCE

At the request of Representative Cosby, leave of absence was granted for Representative Bryant.

RESOLUTION

The following resolution was introduced:

By Representative Campbell:

H.R. 65. RELATIVE TO MEETING DAYS

BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES, That when we adjourn today, Tuesday, April 23, 1991, we adjourn to meet again on Thursday, April 25, 1991, at 10:00 A.M.

On motion of Representative Campbell, the rules were suspended and the resolution, H.R. 65, was adopted.

BILLS ON SECOND READING

Representative Bowling, Chairperson of the Standing Committee on Local Legislation No. 1, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, and they were severally read a second time and placed on the Calendar, to-wit:

H. 59. This bill amends Act No. 612, H. B. 1141, 1978 Regular Session, (Acts 1978, p. 869), relating to the creation of the Industrial Development Authority of Escambia County, so as to provide for additions to the membership of the Authority.

H. 60. Relating to Escambia County; providing further for expense allowances for the chairman and associate commissioners of the county commission to be paid from the county general fund and expiration date therefor and providing for a certain monthly salary for such chairman and associate commissioners to be effective after the next election with such salary to be in lieu of all salaries and expense allowances heretofore provided by law for such chairman and associate commissioners of the county commission.

H. 61. Relating to Escambia County; to provide further for the compensation and expense allowance of certain county officials effective October 1, 1991.

H. 63. Proposing a constitutional amendment to the Constitution of Alabama of 1901, relating to the distribution of oil and gas severance tax revenues in Escambia County, pursuant to Amendment 425 to the Constitution of Alabama of 1901.

The above bill was read a second time at length as required by the Constitution.

Representative Petelos, Chairperson of the Standing Committee on Local Legislation No. 2, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, and it was read a second time and placed on the Calendar, to-wit:

H. 349. To authorize the county commission of Jefferson County, Alabama, acting pursuant to Amendment No. 373 to the Constitution of Alabama of 1901, to increase the rate at which there is levied and collected by Jefferson County, on all taxable property situated within the special school tax district subject to the jurisdiction and control of the Board of Education of the City of Mountain Brook, the special ad valorem tax for public school purposes which is authorized in Amendment No. 316 to the Constitution, to a maximum rate, for any tax year of the county, which is equal to \$1.85 on each one hundred dollars (18.5 mills on each dollar) of assessed value.

Representative Petelos, Chairperson of the Standing Committee on Local Legislation No. 2, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, and it was read a second time and pursuant to House Rule 33, was referred to the Standing Committee on Tourism, Entertainment and Sports, to-wit:

H. 366. To amend Chapter 65 of Title 11 of the Code of Alabama 1975, which relates to horse racing and pari-mutuel wagering thereon in Class 1 municipalities, for the following purposes: to make certain legislative findings concerning the experience of the state's only Class 1 municipality with horse racing and pari-mutuel wagering thereon and the economic desirability of authorizing greyhound racing and pari-mutuel wagering thereon in a Class 1 municipality (now defined by statute to be a city with a population of 300,000 inhabitants or more as certified by the 1970 decennial census); to define the particular terms to be used in said Chapter 65 as amended by this act; to authorize a Class 1 municipality (the "sponsoring municipality") to incorporate a racing commission with power to license and regulate horse racing and pari-mutuel wagering thereon or greyhound racing and pari-mutuel wagering thereon or both; to provide that a racing commission incorporated pursuant to said Chapter 65 will be subject to the jurisdiction of the state ethics commission; to define a host county for a racing commission as the county in which a majority of the residents of the sponsoring municipality reside and to provide that a racing commission incorporated for a sponsoring municipality will have power to license and regulate racing and wagering activities only in the part of such sponsoring municipality that is located in the host county; to provide for elections in the host county to authorize the incorporation of a racing commission and to determine the powers thereof; to amend said Chapter 65 concerning the appointment of certain members of a racing commission and the appointment of deputy members by certain members;

to provide alternative arrangements for the appointment of the treasurer of a commission; to amend said Chapter 65 concerning the powers and duties of a racing commission and to impose certain limitations on such powers and duties respecting the confidentiality of information pertaining to a licensed operator and the rights of such operator to conduct its business under the supervision of the commission; to provide conditions relating to the award and use of licenses for horse racing, greyhound racing and pari-mutuel wagering thereon; to authorize retroactively and ratify the action of an existing racing commission in entering into a contract to grant a prospective licensee a license for greyhound racing and pari-mutuel wagering thereon prior to the legislative enactment of the commission's authority to grant such license; to modify the provisions of said Chapter 65 respecting a license to own or use a horse racing facility; to modify the application and review procedure for granting an operator's license to reflect the additional power and duty of a commission to license and regulate greyhound racing and pari-mutuel wagering thereon; to modify the terms of an operator's license concerning its periodic review and revocation, the allowance of successive three year renewal terms after the initial term of 20 years, and the scheduling and conducting of licensed activities; to modify the ownership requirements applicable to holders of horse racing facility licenses and holders of operator's licenses to conduct horse racing or greyhound racing; to modify the procedure of a commission for reviewing and granting permits for persons to work at a racing facility; to provide for judges for greyhound racing and to modify the appointment procedure for stewards for horse racing; to authorize and provide rules for the conduct of pari-mutuel wagering on greyhound racing events; to specify the minimum proportionate amounts of the deposits to pari-mutuel pools for greyhound racing that are to be distributed to the holders of winning pari-mutuel tickets; to provide for the payment of license fees for pari-mutuel wagering on greyhound racing by each licensed operator to the racing commission licensing such operator and to specify the methods for determining the amounts of such fees and the schedule on which such fees shall be payable; to provide for a greyhound racing operator to hold commission racing days in each calendar year with the profits therefrom to go to the commission or charitable organizations designated by the commission; to provide that horse racing or greyhound racing events conducted outside the sponsoring municipality may be televised to a racing facility under the jurisdiction of a commission and made the subject of pari-mutuel wagering for which the pari-mutuel pools may include both bettors placing their bets at the racing facility under the jurisdiction of a commission and bettors placing their bets at other locations in the state or in other states; to provide that horse racing or greyhound racing events conducted at a racing facility under the jurisdiction of a commission may be televised to other locations in the state or in other states and made the subject of pari-mutuel wagering for which the pari-mutuel pools may include both bettors placing their bets at the racing facility under the jurisdiction of a commission and bettors placing their bets at other locations to which such racing events are televised; to modify the purposes for which the net revenues of a racing commission remaining after the payment of its expenses are to be applied and to provide for the disbursement of such net revenues for such purposes; to modify the prohibitions of said Chapter 65 against certain activities so as to make such prohibitions applicable to greyhound racing and pari-mutuel wagering thereon; to modify the penalties for certain prohibited activities concerning racing and pari-mutuel wagering; in the event that a state racing commission shall be established at any time, to provide in such event that any racing commission

created under said Chapter 65 and its license for both horse racing and greyhound racing shall be exempt from the jurisdiction of such state racing commission and from all laws providing for or relating to such state racing commission; to provide that the provisions of said Chapter 65 as modified by the act shall be severable; and to provide for such other matters as are necessary to authorize, regulate, license, administer and supervise both horse racing and pari-mutuel wagering thereon and greyhound racing and pari-mutuel wagering thereon in Class 1 municipalities.

H. 366 RECOMMITTED

Pursuant to House Rule 33, the Speaker recommitted the bill, H. 366, from the Standing Committee on Local Legislation No. 2 to the Standing Committee on Tourism, Entertainment and Sports.

RESOLUTION

The following resolution was introduced and distributed according to Joint Rule 11:

By Representatives Morrow and Anderson:

H.R. 66. COMMENDING ROBERT E. RICE OF RUSSELLVILLE, ALABAMA, FOR DISTINGUISHED SERVICE AS OFFICIAL COURT REPORTER FOR THE 34TH JUDICIAL CIRCUIT.

INTRODUCTION OF BILLS

Upon a call of Districts, bills were introduced, severally read one time and referred to appropriate standing committees as follows:

By Representative Gaston:

H. 382. To exempt the "Garden Clubs of Alabama, Inc." and each local chapter thereof, from the payment of all state, county and municipal sales and use taxes.

COMMITTEE ON WAYS AND MEANS

By Representative Knight:

H. 383. To repeal Section 11-43-11 of the Code of Alabama 1975, which prohibits employment of municipal officers by corporations holding franchises as to the use of streets of the municipality.

COMMITTEE ON LOCAL GOVERNMENT

By Representative White (With Notice and Proof):

H. 384. Relating to Escambia County; authorizing the county commission to levy an additional or ad valorem tax to be used for educational purposes and providing for a referendum for approval of the tax by the qualified electors of the county.

COMMITTEE ON LOCAL LEGISLATION NO. 1

I HEREBY CERTIFY THAT THE NOTICE & PROOF IS ATTACHED TO THE BILL, H. 384, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON, CLERK

By Representatives Box, Campbell, Carter, Hooper, Butler, Clark (J), Carothers, Williams, Zoghby, Knight, Harper, Hawkins, Higginbotham, Kvalheim, Sanderford, Hill, Layson, McMillan, Burke, Fuller, Laird, McDaniel, and Starkey:

H. 385. Relating to all civil actions in tort, contract or otherwise against architects and engineers, and against builders who construct or perform or manage construction of an improvement on or to real property designed by and constructed under the supervision of, or constructed in accordance with the plans and specifications prepared by, an architect or engineer, arising out of any defect or deficiency in the design, planning, testing, supervision, administration or observation of construction of an improvement on or to real property, or arising out of any defect or deficiency in the construction of an improvement on or to real property; to provide a definite statute of limitations of three years after a cause of action accrues or arises in all such actions; to provide a bar to relief for all causes of action and to all rights of action which accrue more than seven years after the substantial completion of construction of an improvement on or to the real property; to provide when a cause of action accrues or arises; to provide that this Act does not apply to causes of action which have accrued prior to its effective date; to provide that this Act does not create any cause of action against such architects or engineers or builders or any other persons; to exclude causes or rights of action against manufacturers of products; to extend the bar of causes or rights of actions for breach of contract arising out of written express warranties to coincide with the period thereof; to define terms; and to repeal all conflicting laws.

COMMITTEE ON COMMERCE,
TRANSPORTATION AND UTILITIES

By Representatives Box, Campbell, Carter, Hooper, Clark (J), Butler, Carothers, Williams, Zoghby, Knight, Harper, Hawkins, Higginbotham, Kvalheim, Sanderford, Hill, Layson, McMillan, Burke, Fuller, Laird, McDaniel, and Starkey:

H. 386. Relating to all civil actions in tort, contract or otherwise against materialmen who provide labor, material and supplies used in the construction of an improvement on or to real property; to provide a definite statute of limitations of three years after a cause of action accrues or arises in all such actions; to provide a bar to relief for all causes of action and to all rights of action which

accrue more than seven years after the substantial completion of construction of an improvement on or to the real property; to provide for an exception to the bar to relief with respect to actions accruing more than seven years after the substantial completion of construction of an improvement on or to real property where there is a written express warranty or indemnity which by the written terms thereof shall extend beyond the period of seven years; to provide when a cause of action accrues or arises; to provide that this act applies to causes of action which have accrued prior to its effective date; to provide that this act does not create any cause of action against materialmen or any other person; to define terms; and to repeal all conflicting laws.

**COMMITTEE ON COMMERCE,
TRANSPORTATION AND UTILITIES**

By Representative Gaston:

H. 387. To exempt the Camp Rap-A-Hope Foundation, Inc. from the payment of all state, county and municipal sales and use taxes.

COMMITTEE ON WAYS AND MEANS

By Representative Gaston:

H. 388. To amend Sections 32-6-231, 32-6-232 and 32-6-233 of the Code of Alabama 1975, so as to provide for the issuance of distinctive license decals and placards to certain individuals, agencies, nursing homes, churches and charitable institutions transporting one or more handicapped individuals for use in parking spaces reserved for handicapped individuals.

COMMITTEE ON HEALTH

By Representative Campbell:

H. 389. To amend Section 29-2-51 of the Code of Alabama 1975, relating to the permanent legislative committee on reapportionment so as to provide further for additional at-large members.

**COMMITTEE ON CONSTITUTION AND
ELECTIONS**

By Representative Richardson:

H. 390. To amend Sections 9-11-55 and 9-11-56, Code of Alabama, 1975, relating to certain nonresident fishing licenses, so as to further provide for the cost thereof.

COMMITTEE ON WAYS AND MEANS

By Representatives Box, Fuller, Campbell, and Buskey (JE):

H. 391. To provide for the creation of a comprehensive statutory formula-

tion of personal property leasing laws including the formation and construction, effect and performance of a lease contract; default by the lessor and lessee and general provisions. To amend Sections 7-1-105 of the Code of Alabama 1975, so as to include this act; to amend Section 7-1-201 of the Code of Alabama 1975, so as to revise the definition of "security interest"; to amend Section 7-9-113 of the Code of Alabama 1975, so as to include security interest arising under this act; to amend Sections 35-4-54 and 35-4-94 of the Code of Alabama 1975 so as to exclude leases; and to provide that this act will become effective January 1, 1992.

COMMITTEE ON JUDICIARY

By Representatives Dolbare, Fuller, Turner, and Laird:

H. 392. To permit a domestic limited partnership to merge with one or more domestic limited partnerships, corporations or certain other business entities; to provide for the requirements, effects and procedures of merging said entities; to provide for certain filings and reports and the contents and effect of said filings and reports; to provide for service of process; and to provide for the vesting of certain rights, privileges, powers, property, liabilities and duties.

COMMITTEE ON OIL AND GAS

By Representative Newton (C) (With Notice and Proof):

H. 393. To alter, rearrange and extend the boundary lines and corporate limits of the Town of Glenwood in Crenshaw County.

COMMITTEE ON LOCAL LEGISLATION NO. 1

I HEREBY CERTIFY THAT THE NOTICE & PROOF IS ATTACHED TO THE BILL, H. 393, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON, CLERK

By Representatives Hogan, Millican, Morrow, McKee, Cagle, and Crow:

H. 394. Requiring the statewide administrative control, supervision and regulation including certain registration and licensing of the practice of barbering and styling, teaching of barbering, barbers, barber instructors, barber students, barber apprentices, barbershops, and barber schools; creating a state barber and stylist board for such purpose; prescribing the powers and duties of said board; abolishing all local county barber boards or commissions; providing penalties for violations; repealing or superseding all laws, whether general, general of local application, special or local, which conflict with this act; providing for exceptions; and specifically repealing sections 34-5-1 through 34-5-16 of the Code of Alabama 1975.

COMMITTEE ON HEALTH

By Representatives McKee, Smith (C), Hogan, Hall, White, Fuller, and Freeman:

H. 395. To allow members of the United States Air Force Reserve to purchase distinctive motor vehicle license plates or tags; to prohibit the transfer of such plates; to prescribe the manner of charging for such license plates or tags; and to provide for the duties and powers of the commissioner of revenue and the probate judge or license commissioner.

COMMITTEE ON MILITARY AFFAIRS

By Representative Penry:

H. 396. To authorize any Class 2, 3, 4, 5, 6, 7 or 8 municipality, operating under a council-manager form of government or under a mayor-council-city manager form of government, to establish a council-manager form of government; to provide for an election for the qualified electorate to continue to operate under the council-manager form of government under this act or to choose the mayor-council form of government pursuant to Section 11-43-1, et seq. of the Code of Alabama 1975, which provides for the operation and administration of such governing body; to provide for the powers, duties and responsibilities and terms of office for each form of government; to prescribe that any annexation and the present boundaries shall continue; to provide that the mayor and council members shall continue in office until the expiration of their current terms; to provide for the composition of the council and the number of single-members districts and for certain municipal officers; to preserve any current civil service or merit system; to provide for the transition of powers, duties and assets of any office, department, board, commission or agency where applicable, as well as the continuation of all contracts, public improvements, ordinances providing for civil or criminal penalties, the proceedings of the municipality, and resolutions; to provide for referendum procedures and the effective date; to provide for fiscal and budgetary matters of the governing body and municipality; to repeal any laws or parts of laws in conflict with this act; and to prescribe criminal penalties for violations.

COMMITTEE ON LOCAL GOVERNMENT

By Representatives Beasley, Mikell, and Butler:

H. 397. To amend Section 20-2-91 of the Code of Alabama 1975, relating to inspections of stocks of controlled substances and prescriptions, so as to provide further for such inspection.

COMMITTEE ON HEALTH

By Representative Letson:

H. 398. To repeal Section 40-23-2.1 of the Code of Alabama 1975, relating to municipal or county sales and use tax and which provides further for the levy and collection of such taxes.

COMMITTEE ON WAYS AND MEANS

By Representative Letson:

H. 399. To amend section 2-27-53 which provides for licensing and examination of custom applicators of pesticides by raising license fees from \$50 up to \$100 and for each aircraft from \$10 up to \$20, with the maximum allowed from \$100 up to \$200 and also raising examination fees from \$10 up to \$30.

COMMITTEE ON WAYS AND MEANS

By Representatives Hall, Ford, McKee, Mathis, and Bowling:

H. 400. To propose an amendment to the Constitution of Alabama of 1901 to provide that the people may propose the repeal and enactment of laws by an initiative referendum.

COMMITTEE ON CONSTITUTION AND
ELECTIONS

The above bill was read a first time at length as required by the Constitution.

By Representative Letson:

H. 401. To amend Section 2-27-9 which provides for registration of pesticides by raising the annual registration fee from \$50 up to \$100.

COMMITTEE ON WAYS AND MEANS

By Representatives Penry, McMillan, Turner, and Carter:

H. 402. To amend Sections 22-23-32, 22-23-37, 22-23-40, 22-23-41, 22-23-44, 22-23-47 and 22-23-49, Code of Alabama 1975, relating to the Alabama Safe Drinking Water Act, so as to provide further for the regulatory authority of the department of environmental management, notification of users of certain violations, sampling of water supplied to the public, applications and issuance of permits, and the crime of tampering with a public water supply.

COMMITTEE ON AGRICULTURE, FORESTRY
AND NATURAL RESOURCES

By Representatives Penry, McMillan, Turner, and Carter:

H. 403. To amend Sections 22-24-1, 22-24-4, 22-24-5 and 22-24-8, Code of Alabama 1975, relating to water well standards, so as to provide further for the licensing of well drillers and to repeal Section 22-24-12, Code of Alabama 1975, which exempts Baldwin County from the chapter.

COMMITTEE ON AGRICULTURE, FORESTRY
AND NATURAL RESOURCES

By Representatives Penry, McMillan, Turner, and Carter:

H. 404. To amend Sections 22-25-1, 22-25-2, 22-25-7, 22-25-9, 22-25-11, 22-25-14, and 22-25-15, Code of Alabama 1975, which provide for Water and

Wastewater Systems and Treatment Plants, so as to clarify certain definitions, to include wastewater collection systems within the provisions of the chapter, and to provide further for the certification of operators.

COMMITTEE ON AGRICULTURE, FORESTRY
AND NATURAL RESOURCES

By Representative Harper:

H. 405. To provide for financially assisted continuing education programs for certain teachers; to provide for financially assisted postsecondary education programs for certain residents in a course of study which will qualify said resident to teach in public elementary and secondary schools; to provide for the manner and means of paying for said financial assistance; to require the repayment of said funds by the programs' participants in certain instances; to require programs' participant to teach a certain number of years; to require certain reports to be filed with the legislature; to grant the commission power to make necessary rules and regulations and to repeal Section 16-23-17 of the Code of Alabama 1975, which created the elementary teachers' scholarship fund.

COMMITTEE ON WAYS AND MEANS

By Representatives Hooper, Johnson, Curry, Flowers, Starkey, Harper, Gaston, Sanderson, Hawkins, Harvey, Petelos, and Clark (J):

H. 406. Relating to aeronautics and airport safety in this state; to provide for airport zoning and the issuance of permits by the state aeronautics department for structures exceeding federal obstruction standards located near air traffic; to state findings and declarations of the legislature; to define certain terms; to authorize political subdivisions to adopt interim and permanent airport zoning regulations; to provide that the more stringent standards of air safety prevail in a conflict of regulations; to provide for a procedure of notice and hearings by airport zoning commissions pursuant to adoption of airport zoning regulations; to require reasonableness of zoning requirements; to provide for permits and variances by local boards of adjustment; to provide for appeals by aggrieved persons or taxpayers of decisions of zoning boards, the state or political subdivisions regarding airport regulations; to provide for the administration and enforcement of such regulations; to provide for judicial review by aggrieved persons or taxpayers; to provide for the acquisition of air rights by purchase, grant or condemnation; and to provide penalties for violations of the act or regulations adopted pursuant to the act.

COMMITTEE ON COMMERCE,
TRANSPORTATION AND UTILITIES

By Representatives Curry and Petelos (With Notice and Proof):

H. 407. Relating to Jefferson County; amending Act No. 970, S. 378, 1961 Regular Session, as amended, which provides for the issuance of motor vehicle license plates by mail, so as to increase the fee for such issuance in counties having a population of 600,000 or more according to the last or any subsequent

federal census.

COMMITTEE ON LOCAL LEGISLATION NO. 2

I HEREBY CERTIFY THAT THE NOTICE & PROOF IS ATTACHED TO THE BILL, H. 407, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON, CLERK

By Representatives Haynes, Carothers, and Johnson:

H. 408. To amend Section 27-30-34 of the Code of Alabama 1975, relating to provision of domestic life and disability insurance pursuant to chapter 3 so as to authorize the calculation of reserve liabilities for all policies issued by mutual aid associations, to provide for the methodology used to calculate the reserve liabilities provided for in Section 27-36-7 of the Code of Alabama 1975, and to provide for limitations.

COMMITTEE ON INSURANCE

By Representatives Zoghby, Rockhold, Gaston, Buskey (JE), Turner, Clark (W), and Harper (With Notice and Proof):

H. 409. Relating to Mobile County; to amend Sections 1 through 9 of Act No. 974, S. 384, Regular Session 1961 (Acts 1961, p. 1550 et seq.); to confer on the Probate Courts of the county general and equity jurisdiction over certain estates concurrent with that of the Circuit Courts; to provide for the powers and authority of the Probate Judges and Chief Clerks of such Probate Courts; and to provide for the pleading and procedure in such estates, the enforcement of orders, judgments and decrees and appeals of same.

COMMITTEE ON LOCAL LEGISLATION NO. 3

I HEREBY CERTIFY THAT THE NOTICE & PROOF IS ATTACHED TO THE BILL, H. 409, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON, CLERK

By Representatives Johnson, Haynes, and Carothers:

H. 410. To create the Alabama Health Assurance Trust Fund and the Alabama Health Assurance Board for the purpose of establishing a plan of health care coverage for working Alabamians whose employers do not provide health care insurance, and for those who are temporarily unemployed and have no health care insurance.

COMMITTEE ON HEALTH

By Representatives Hooper, Higginbotham, Gullatt, Bowling, Ford, Burke, Cosby, Rogers (J), Clay, and Perdue:

H. 411. To provide for a means to safeguard the public against injury and loss of life or the interruption of public services caused by damage to various underground facilities by communicating and coordinating adequate prior notification of excavation or demolition activities that might damage or interrupt services provided by certain underground facilities; to prohibit certain activities without first having ascertained the location of any potentially affected underground facilities; to prescribe procedures for notification of an intent to undertake certain activities; to prescribe certain activities to be included in an underground damage prevention program; to authorize formation of a public corporation for a statewide "One-Call Notification System" and to provide for its directors, powers and general administrative procedures; to prescribe procedures for response to both emergency and routine notification and for reporting damage resulting from certain activities; to prescribe civil penalties for violations and exceptions to such penalties; to provide for the liberal construction and severability of any part of this act and to provide that this act shall become effective on January 1, 1992.

COMMITTEE ON COMMERCE,
TRANSPORTATION AND UTILITIES

By Representative Zoghby:

H. 412. To further provide for payroll deductions for public officers and employees, so as to establish an annual Alabama state employees combined charitable campaign; to repeal Section 36-1-4.1, Code of Alabama 1975, as amended, relating to local United Way agencies and certain other health charities and payroll deductions.

COMMITTEE ON STATE ADMINISTRATION

By Representatives Kennedy, Spratt, Dolbare, Black (L), Beasley, Mathis, Bugg, Letson, Buskey (JE), Clark (W), Warren, Freeman, Bowling, Turnham, Flowers, Thomas, Newman, and Haynes:

H. 413. To amend Sections 16-28-3, 16-28-7, 16-28-9, and 16-28-11, Code of Alabama, 1975, relating to compulsory school attendance, enrollment, and reporting so as to lower the minimum compulsory attendance age from seven to age six and to require kindergarten.

COMMITTEE ON EDUCATION

By Representative Drake (With Notice and Proof):

H. 414. To provide further for the compensation of the chairman and other members of the Morgan County Commission and to provide for retroactive effect.

COMMITTEE ON LOCAL LEGISLATION NO. 1

I HEREBY CERTIFY THAT THE NOTICE & PROOF IS ATTACHED TO THE BILL, H. 414, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON, CLERK

By Representatives Carothers and Beasley:

H. 415. To provide for the development of a comprehensive emergency medical services system in the state and to adopt rules necessary to carry out the provisions of this act; to establish a unified emergency medical services system throughout Alabama to prevent needless loss of human life, disability, and suffering; to provide improved mechanisms for the development and implementation of plans addressing medical control and accountability for prehospital care, physician responsibility for the management of patient care including the issuance of physician orders from designated associate and resource hospitals for performance of advanced medical procedures by prehospital personnel, patient treatment and transportation requirements, professional and technical training, manpower, emergency medical communications, access to care and dispatching, coordinated patient record keeping, evaluation, public information, and mutual aid; to establish a state emergency medical control committee and a state advisory committee to assist with drafting of rules; to establish the position of state EMS medical director; to repeal sections 22-18-1 through 22-18-7, Code of Alabama 1975; and to provide penalties for violation of this act.

COMMITTEE ON HEALTH

By Representatives Harper, Payne, Black (M), Hammett, Curry, Buskey (JE), Clark (W), Biddle, Starkey, Freeman, Hall, Holmes, Morton, Carns, Hamilton, Haney, Sanderson, Hill, Poole, and Harvey:

H. 416. To amend §40-23-2, Code of Alabama, 1975, relating to taxes levied on certain gross receipts, so as to provide that athletic events conducted by a primary or secondary public school shall be exempted from said tax and to provide that said funds shall continue to be collected and shall be retained by the collecting school.

COMMITTEE ON WAYS AND MEANS

By Representative Flowers (With Notice and Proof):

H. 417. Relating to Pike County, to repeal Act 85-609, H. 1006 of the 1985 Regular Session (Acts of 1985, p. 935), which provided an expense allowance for members of the Pike County Commission.

COMMITTEE ON LOCAL LEGISLATION NO. 1

I HEREBY CERTIFY THAT THE NOTICE & PROOF IS ATTACHED TO THE BILL, H. 417, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON, CLERK

By Representatives Kvalheim and Gaston:

H. 418. To create the Respiratory Care Act and to provide for definitions, qualifications, examination, and licensing of persons administering respiratory

care and for waivers from examination and licensing; to provide for the powers, duties and responsibilities of the Alabama State Board of Respiratory Care; to provide for the appointment, term, qualification and meetings of the board; to create a special fund for receipts collected by the board; to provide for the administration of said fund; to make appropriations from the Alabama State Board of Respiratory Care Fund to the Alabama State Board of Respiratory Care; to provide for issuance and renewal of licenses and temporary licenses; to provide for prohibited acts and penalties; to provide for fees; to provide for causes and procedures for disciplinary action; to prohibit false representation of licensure; to provide criminal penalties for certain violations; to provide for exemptions; and to provide for related matters.

COMMITTEE ON HEALTH

By Representative Lindsey:

H. 419. To make a supplemental appropriation from the Farmers' Market Authority Fund to the Farmers' Market Authority for the sum of two hundred thirty-eight thousand five hundred and fifty dollars (\$238,550) for the fiscal year ending September 30, 1991.

COMMITTEE ON WAYS AND MEANS

By Representatives Petelos, Curry, and Haynes:

H. 420. To amend Section 40-18-19(6), Code of Alabama 1975, relating to exemptions from state income taxes, so as to exempt all payments made to a retiree or beneficiary of a public, as well as a private, "defined benefit plan"; and to provide retroactive effect for the provisions hereof to January 1, 1991.

COMMITTEE ON WAYS AND MEANS

By Representatives Turnham, Parker (T), Mathis, and White:

H. 421. To levy a temporary additional state sales and use tax until the governor declares an end to proration in the special educational trust fund to which the tax is deposited by the state treasurer; to provide for the administration of said tax; and to provide for the expiration of said tax.

COMMITTEE ON WAYS AND MEANS

By Representatives Curry, Gaines, Knight, Carns, Hawkins, Petelos, Morton, Hill, Sanderson, Payne, Biddle, Rogers (F), Ford, Smith (R), Freeman, Hall, White, Williams, Parker (T), Fuller, Willis, Crow, Cagle, Hooper, McKee, Cosby, Kvalheim, Gaston, Blakeney, Penry, Dolbare, Laird, Warren, Johnson, Poole, Newton (C), Beasley, and Mikell:

H. 422. To exempt employees from paying any occupational tax or similar charge on any vacation, sick leave, expense allowances, insurance or other fringe benefits of monetary value which are not salaries or wages, whether accrued or otherwise; and to provide retroactive effect to 1983.

COMMITTEE ON WAYS AND MEANS

By Representatives Biddle, Newton (C), and Johnson:

H. 423. To amend sections 22-52-2, 22-52-3, 22-52-4, 22-52-6, 22-52-7, 22-52-8, 22-52-9, 22-52-11, 22-52-12, 22-52-13, and 22-52-15, Code of Alabama 1975, relating to mental health and mental retardation, so as to provide further for the involuntary commitment, discharge and transfer of persons in state institutions; to prescribe definitions; to provide for new commitment criteria for persons whom petitions for involuntary commitment have been filed and to grant the department the authority to designate mental health facilities to receive persons for evaluations, admissions, detention, treatment and discharge; to allow designated mental health facilities to contract with public or private mental health facilities, subject to approval by the department, for care and treatment of committed persons; to allow the probate court the alternative to commit a respondent to outpatient treatment; to create standards that the probate court must follow in ordering outpatient treatment and to set a time limit on the outpatient treatment order; to create criteria for inpatient treatment, to set time limits on the order for inpatient commitment, and to provide a mechanism whereby an inpatient commitment order may be extended; to provide for the appointment of special probate judges to consider, hear and enter appropriate orders with regard to the renewal of commitment orders; to allow the transfer of a respondent committed to inpatient treatment to another treatment facility; to grant all persons acting in good faith in connection with the evaluation, examination, certification, testing, admission, detention, treatment or discharge of any respondent, freedom from all civil liability by reason of such action; to specifically repeal sections 22-52-1 and 22-52-10 of the Code of Alabama 1975; and to provide for an effective date.

COMMITTEE ON HEALTH

By Representatives Biddle, Newton (C), and Johnson:

H. 424. To amend Section 15-18-8, Code of Alabama 1975, so as to provide that commitment of a convicted defendant to a mental health facility shall be for appropriate clinical purposes only and shall be based on a finding by the court that the defendant meets the criteria for involuntary civil commitment in the state of Alabama.

COMMITTEE ON HEALTH

By Representatives Biddle, Newton (C), and Johnson:

H. 425. To amend Section 22-50-62, Code of Alabama 1975, relating to disclosure of information by the department of mental health and mental retardation, so as to provide that the proceedings, minutes, records, operations and reports of certain internal committees and programs of the department will be privileged and may not be disclosed or obtained except under extraordinary circumstances.

COMMITTEE ON HEALTH

By Representative Parker (P):

H. 426. To exempt "The Friends of the Regional Hospital, Inc.," from the payment of all state, county and municipal sales and use taxes.

COMMITTEE ON WAYS AND MEANS

By Representative Barnes:

H. 427. To exempt from all state, county and municipal sales taxes all sales of donated goods by the retail mission store operated by the Grace Episcopal Church of Birmingham, Alabama, to support said church's mission that cares for battered children and homeless families.

COMMITTEE ON WAYS AND MEANS

By Representatives Clark (W) and Buskey (JE):

H. 428. To amend Section 11-43C-52, Code of Alabama 1975, relating to certain procedures under the mayor-council form of government for Class 5 municipalities, so as to provide further for the vote to override a line item veto of the mayor.

COMMITTEE ON LOCAL GOVERNMENT

By Representatives Clark (W) and Buskey (JE):

H. 429. To amend Section 11-43C-21, Code of Alabama 1975, relating to the powers of the council under the mayor-council form of government for Class 5 municipalities, so as to provide further that the council shall have the power to appoint certain employees to serve the council.

COMMITTEE ON LOCAL GOVERNMENT

By Representative McClain:

H. 430. To exempt the following Alabama Child Advocacy Centers from the payment of all state, county and municipal sales and use taxes: the Prescott House, Birmingham; National Children's Advocacy Center, Inc., Huntsville; The Child Advocacy Center, Inc., Mobile; Montgomery Child Protection and Advocacy Center, Inc.; Tuscaloosa Children's Center, Inc.; Bessemer Cut-Off Advocacy Center, Inc.; Blount County Children's Advocacy Center; the Care House, Baldwin County; and Gadsden-Etowah County Children's Advocacy Center.

COMMITTEE ON WAYS AND MEANS

By Representative Harper:

H. 431. To amend Title 28 of the Code of Alabama, 1975 and to propose changes in the Alabama alcoholic beverage control boards administration, powers and regulations pertaining to mark-up procedures, receipt and disposition of taxes, licensing procedures, and store location requirements. In addition, this bill repeals section 28-3-74 concerning distribution of net profits and sections 28-3-200

through 28-3-205 concerning the taxes on the sale of spirituous or vinous liquors.

COMMITTEE ON WAYS AND MEANS

By Representative Freeman:

H. 432. To create the "Alabama Clean Indoor Air Act," to protect the public health, comfort and environment and promote the above by reducing involuntary exposure to tobacco smoke in public places.

COMMITTEE ON WAYS AND MEANS

By Representatives Fuller, Hooper, Rogers (J), Willis, Buskey (JL), Payne, Curry, Spratt, Knight, Campbell, Harper, Newton (D), Sanderson, Carns, Morton, Ford, Harvey, Parker (T), and Zoghby:

H. 433. To establish the Impaired Drivers Trust Fund in the state treasury from funds collected for certain traffic offenses; to provide that moneys in the fund shall be administered by the Division of Rehabilitation Services of the State Department of Education to be used to provide rehabilitative services to head injured and spinal cord injured (neuro-trauma) residents of the state; and to provide for the appointment of an advisory board to establish priorities and criteria for disbursement of the moneys.

COMMITTEE ON WAYS AND MEANS

By Representatives Carns, Hawkins, Biddle, Gaines, Sanderson, Knight, Morton, and Petelos:

H. 434. To exempt the "Linley Heflin Unit, Inc.," from the payment of all state, county and municipal sales and use taxes.

COMMITTEE ON WAYS AND MEANS

By Representatives McDaniel and Rich:

H. 435. To create a new district judgeship in Marshall County.

COMMITTEE ON WAYS AND MEANS

By Representative Zoghby:

H. 436. To provide consumers with benefits for the care and treatment of alcoholism and other drug dependency (chemical dependency) in certain group health insurance policies, contracts and plans, which are delivered, issued for delivery, renewed or used in this state; and to repeal sections 27-20A-1 through 27-20A-4, Code of Alabama 1975, relating to alcoholic treatment in group plans.

COMMITTEE ON STATE ADMINISTRATION

By Representatives Carothers, Layson, Beasley, Haynes, Newman, Ford, Hill, Penry, Johnson, Turner, Millican, Mikell, Newton (C), Mathis, Laird, Dolbare, Willis, Crow, Hogan, Blakeney, Kvalheim, Gaston, McMillan, Powell, Zoghby, Rockhold, Gullatt, Cullins, Burke, Bowling, Carns, Hawkins, Sanderford, Haney, Smith (R), Hamilton, Richardson, Lindsey, McDaniel, Gaines, Morton, Sanderson, Knight, Rogers (F), Parker (T), Parker (P), Smith (C), Hall, Butler, Campbell, Starkey, Harvey, Turnham, Flowers, Cosby, Venable, Williams, Holladay, Clark (J), and Biddle:

H. 437. To require all persons 16 years of age or older to present certification of completion of an approved hunter education course prior to obtaining a hunting license and provides penalties for violations.

COMMITTEE ON HEALTH

By Representatives Fuller, Turnham, Parker (P), Campbell, Bugg, Harper, Clark (J), Burke, Freeman, Kennedy, Butler, Starkey, Bowling, Hammett, Carns, Buskey (JL), Newton (C), Higginbotham, Cullins, Holmes, Beasley, Dolbare, Mathis, Black (M), Rockhold, Parker (T), Curry, Carter, Barnes, Crow, Box, Buskey (JE), McDowell, Ford, Smith (C), Gullatt, Spratt, Perdue, Zoghby, McKee, Thomas, Warren, Lindsey, Anderson, Johnson, Newman, Carothers, Grayson, McDaniel, Rogers (F), Millican, Smith (R), Newton (D), Harvey, Clay, Turner, Cagle, Hogan, Willis, Williams, Hooper, and Rogers (J):

H. 438. To propose an amendment to the Constitution of Alabama of 1901, to provide that the Legislature shall establish and maintain an adequate and efficient system of public education, and to further provide that public education is an essential function of state government.

COMMITTEE ON EDUCATION

The above bill was read a first time at length as required by the Constitution.

By Representatives Freeman and Harper:

H. 439. To make an appropriation from the Alabama Special Educational Trust Fund to the Constitution Hall Village at Huntsville, Alabama for the fiscal year ending September 30, 1992 and to require an operations plan and audited financial statement prior to the release of any funds.

COMMITTEE ON WAYS AND MEANS

By Representative Harper:

H. 440. To appropriate the sum of \$500,000 from the State General Fund to the State Highway Department for the operations and maintenance of the Gulf Breeze Amtrak Passenger Train Service for the fiscal year ending September 30, 1991.

COMMITTEE ON WAYS AND MEANS

By Representative McClain:

H. 441. To amend Section 40-21-83, Code of Alabama 1975, which provides for certain exclusions from the gross receipts tax of utilities, so as to exclude the consumption of electricity for certain purposes by county commissions.

COMMITTEE ON WAYS AND MEANS

By Representative Cosby:

H. 442. To induce tourism to the state of Alabama; to simplify the administration of certain existing tax requirements relating to tour bus operations; to amend Sections 40-19-1 and 40-17-150 of the Code of Alabama 1975, to define the term tour bus, and to amend 40-19-2 to exempt tour buses and charter party vehicles from the provisions of sections 40-19-3 through 40-19-17 of the Code of Alabama 1975, commonly known as the Motor Carrier Mileage Tax; to amend section 37-3-32 of the Code of Alabama 1975, as it applies to tour buses subject to the \$4.00 registration fee and the motor carrier fuel tax levied under section 40-17-141, to provide for a single remittance; provide for a system of remittance by a single check, money order, or, upon adoption of a duly promulgated regulation, by electronic funds transfer; and to provide for an effective date.

COMMITTEE ON TOURISM, ENTERTAINMENT
AND SPORTS

H. 66 REREFERRED

No objection being offered, the Speaker rereferred the bill, H. 66, from the Standing Committee on Ways and Means to the Standing Committee on Military Affairs.

RESOLUTIONS

The following resolutions were introduced:

By Representatives Campbell, Anderson, Barnes, Beasley, Biddle, Black (L), Black (M), Blakeney, Bowling, Box, Bryant, Bugg, Burke, Buskey (JE), Buskey (JL), Butler, Cagle, Carns, Carothers, Carter, Clark (J), Clark (W), Clay, Cosby, Crow, Cullins, Curry, Dolbare, Drake, Escott-Russell, Flowers, Ford, Freeman, Fuller, Gaines, Gaston, Goodwin, Grayson, Gullatt, Hall, Hamilton, Hammett, Haney, Harper, Harvey, Hawkins, Haynes, Higginbotham, Hill, Hogan, Holladay, Holley, Holmes, Hooper, Johnson, Kennedy, Knight, Kvalheim, Laird, Layson, Letson, Lindsey, Mathis, McClain, McDaniel, McDowell, McKee, McMillan, Melton, Mikell, Millican, Morrow, Morton, Newman, Newton (C), Newton (D), Parker (P), Parker (T), Payne, Penry, Perdue, Petelos, Poole, Powell, Rich, Richardson, Rockhold, Rogers (F), Rogers (J), Sanderford, Sanderson, Smith (C), Smith (R), Spratt, Starkey, Thomas, Turner, Turnham, Venable, Walker, Warren, White, Williams, Willis and Zoghby:

H.J.R. 67. MOURNING THE DEATH OF GERALD CLYDE MINSHEW OF ANNISTON, ALABAMA.

WHEREAS, the Legislature of Alabama grievously records the untimely death of Gerald Clyde Minshew of Anniston, Alabama, on April 12, 1991, at the age of just 55 years; and

WHEREAS, the son of the late Mr. and Mrs. Weldon Clyde Minshew, and a native of Oxford, Alabama, Mr. Minshew attended Oxford High School and was a graduate of Marion Military Institute; he also attended Auburn University and served two years in the United States Army; and

WHEREAS, Mr. Minshew retired from Alabama Coca-cola Bottling Company in 1987, after 23 years service, and had served as president of Micro-labs, Inc.; and

WHEREAS, in addition, however, to the responsibilities of business, Mr. Minshew was involved in a number of civic and community affairs and was a member of the First United Methodist Church of Anniston, charter member of the Anniston Morning Rotary Club, a member of the United Way Appropriations Committee, and of the Rod and Reel Club; and

WHEREAS, Gerald Clyde Minshew was indeed a very prominent and beloved member of the community and his lamentable death has left a deep void in the lives and hearts of his family and many, many friends; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we are deeply saddened by the death of Gerald Clyde Minshew of Anniston, Alabama, and extend our most heartfelt sympathy to his wife, Mrs. Laura Rowell Minshew; daughters, Sarah Watson, Martha Minshew and Laura Jackson; to his grandchild; sisters, Annette Perkins and Logene Griffin; and to other family members, whose sorrow we share and for whom a copy of this resolution shall be provided.

On motion of Representative Campbell, the rules were suspended and the resolution, H.J.R. 67, was adopted.

Also:

By Representative Campbell:

H.J.R. 68. COMMENDING THE ANNISTON MIDDLE SCHOOL STATE CHAMPION SCHOLARS BOWL TEAM FOR 1991.

WHEREAS, it is with great pride and pleasure that the Legislature of Alabama congratulates the Anniston Middle School Scholars Bowl Team on the 1991 Alabama Middle School Scholars Bowl Championship; and

WHEREAS, Anniston Middle School, in only its second year of participation in the Scholars Bowl program, went undefeated at the district level against teams from Talladega, Cleburne, Etowah and Calhoun Counties, and, as district

champions, qualified for the first middle school competition ever held at the state level; and

WHEREAS, superbly tutored by Coaches Wilma Guthrie and Judy Fleischamel, the AMS Scholars Bowl Champions are Tommy Alexy, Todd Clark, Cameron Kirkpatrick, Rhett Sypher, Tommy Temple and Team Captain Brian Wilhoite, all seventh grade students who, in competition primarily with eighth-grade teams, captured the first Alabama Middle School Scholars Bowl Championship and thereby are a source of great pride to their school and community; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That in recognition of outstanding achievement, we hereby most highly commend the State Championship Anniston Middle School Scholars Bowl Team for 1991, and do further provide that copies of this resolution be forwarded to Coaches Guthrie and Fleischamel for appropriate presentation and school display.

On motion of Representative Campbell, the rules were suspended and the resolution, H.J.R. 68, was adopted.

REPORT FILED

Pursuant to Act No. 1218, Legislative Act of Alabama, 1975 Acts of Alabama Special and Regular Session 1975 Volume IV, Senator E. C. Foshee, Chairman, and Representative Bob Harvey, Vice Chairman, submitted the Report of the Joint Highway Committee, and the report was ordered filed.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has concurred in and adopted the following House Joint Resolution and returns same herewith to the House:

H.J.R. 64. RELATIVE TO MEETING DAYS.

MCDOWELL LEE
Secretary

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has elected the following as members of the Legislative Council:

Senators Dial, Hale, Little, and Foshee.

MCDOWELL LEE
Secretary

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has elected the following as members of the Building Commission:
Senators Lindsey, Denton, Dixon, and Mitchem.

MCDOWELL LEE
Secretary

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has elected the following as members of the Legislative Committee on Examiners of Public Accounts:

Senators Bennett, Ellis, Ghee, Parsons, and Campbell.

MCDOWELL LEE
Secretary

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has elected the following as members of the Alabama Sunset Review Committee:

Senators Bedsole, Bailey, and Bolling.

MCDOWELL LEE
Secretary

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and adopted the following Senate Joint Resolution and sends same herewith to the House for its consideration:

By Senator Mitchell:

S.J.R. 13. INVITING UNITED STATES ATTORNEY GENERAL RICHARD L. THORNBURGH TO ADDRESS A JOINT SESSION OF THE ALABAMA LEGISLATURE, IN RECOGNITION OF THE YEAR COMMEMORATING THE BILL OF RIGHTS.

WHEREAS, the year 1991 has been designated as the year to commemorate the Bill of Rights in Alabama and throughout the nation; and

WHEREAS, the Alabama Legislature desires to recognize this historical document in a significant way; and

WHEREAS, the Attorney General of the United States is the nation's leading law enforcement official whose duties and responsibilities include defending and protecting the rights of all Americans as guaranteed by the Bill of Rights; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we hereby most respectfully request the Honorable Richard L. Thornburgh, United States Attorney General, to address a joint session of the Alabama Legislature on Thursday, May 2, 1991, at 10:00 a.m., whereupon the Alabama Senate and the Alabama House of Representatives will assemble in joint session to hear his remarks.

BE IT FURTHER RESOLVED, That Attorney General Thornburgh be advised, by copy of this resolution, of our invitation to address the Legislature and of our hopeful anticipation of his acceptance.

MCDOWELL LEE
Secretary

SENATE MESSAGE

MOTION TO SUSPEND RULES LOST

The motion offered by Representative Hall to suspend the rules and adopt the resolution, S.J.R. 13, was lost, lacking a four-fifths vote.

Yeas 38; Nays 10.

Yea:

Mr. Speaker, Anderson, Bowling, Buskey (JE), Buskey (JL), Carothers, Clark (W), Crow, Drake, Freeman, Gaston, Gullatt, Hall, Hamilton, Holladay, Holmes, Kennedy, Knight, Mathis, McDaniel, McKee, Mikell, Morton, Newman, Newton (C), Parker (T), Payne, Penry, Poole, Rich, Rockhold, Sanderford, Smith (C), Smith (R), Thomas, Venable, Willis and Zoghby.

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Nay:

Representatives Black (M), Dolbare, Ford, Grayson, Holley, Laird, Rogers (F), Starkey, Turnham and Warren.

-10

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned, and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

The resolution, S.J.R. 13, was read and referred to the Standing Committee on Rules.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and adopted the following Senate Joint Resolutions and sends same herewith to the House for its consideration:

By Senators Bailey and Corbett:

S.J.R. 11. MOURNING THE DEATH OF DEAL WAMBLES OF DOTHAN, ALABAMA.

Also:

By Senator Denton:

S.J.R. 12. DESIGNATING "THE MIRACLE WORKER" AS THE OFFICIAL OUTDOOR DRAMA OF THE STATE OF ALABAMA.

Also:

By Senator Owens:

S.J.R. 15. COMMENDING THE UNITED METHODIST CHILDREN'S HOME, 1891-1991.

Also:

By Senators Bedsole, Windom, and Lipscomb:

S.J.R. 16. COMMENDING BEA VOLKMAN OF MOBILE FOR OUTSTANDING PROFESSIONAL ACHIEVEMENT.

Also:

By Senators Bedsole, Windom, and Lipscomb:

S.J.R. 17. COMMENDING THE MOBILE THEATRE GUILD AND DIRECTOR MICHAEL MCKEE FOR OUTSTANDING ACHIEVEMENT.

Also:

By Senators Dial, Ghee, Bennett, and Parsons:

S.J.R. 19. COMMENDING COACH RUDY ABBOTT OF JACKSONVILLE STATE UNIVERSITY FOR OUTSTANDING PROFESSIONAL ACHIEVEMENT.

Also:

By Senators Dial and Barron:

S.J.R. 20. NAMING THE GYMNASIUM AT COLLINSVILLE HIGH SCHOOL, COLLINSVILLE, ALABAMA, IN HONOR OF L. D. DOBBINS.

Also:

By Senator Dial:

S.J.R. 21. DESIGNATING THE DYNE CREEK COMMUNITY.

**MCDOWELL LEE
Secretary**

SENATE MESSAGE

On motion of Representative Carothers, the rules were suspended, and the House concurred in and adopted the resolution, S.J.R. 11, the title of which is set out in the foregoing Message from the Senate.

Also:

On motion of Representative Haynes, the rules were suspended, and the House concurred in and adopted the resolution, S.J.R. 12, the title of which is set out in the foregoing Message from the Senate.

Also:

On motion of Representative Cosby, the rules were suspended, and the House concurred in and adopted the resolution, S.J.R. 15, the title of which is set out in the foregoing Message from the Senate.

Also:

On motion of Representative Zoghby, the rules were suspended, and the House concurred in and adopted the resolution, S.J.R. 16, the title of which is set out in the foregoing Message from the Senate.

Also:

On motion of Representative Zoghby, the rules were suspended, and the

House concurred in and adopted the resolution, S.J.R. 17, the title of which is set out in the foregoing Message from the Senate.

Also:

On motion of Representative Campbell, the rules were suspended, and the House concurred in and adopted the resolution, S.J.R. 19, the title of which is set out in the foregoing Message from the Senate.

Also:

On motion of Representative Campbell, the rules were suspended, and the House concurred in and adopted the resolution, S.J.R. 20, the title of which is set out in the foregoing Message from the Senate.

Also:

On motion of Representative Campbell, the rules were suspended, and the House concurred in and adopted the resolution, S.J.R. 21, the title of which is set out in the foregoing Message from the Senate.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and adopted the following Senate Joint Resolution and sends same herewith to the House for its consideration:

By Senators Dial, Dixon, Bailey, Amari, Barron, Bedsole, Bennett, Bolling, Campbell, Corbett, deGraffenried, Denton, Ellis, Figures, Floyd, Foshee, Ghee, Hale, Hilliard, Horn, Langford, Lindsey, Lipscomb, Little, Mitchell, Mitchem, Owens, Parsons, Preuit, Sanders, Smith (B), Smith (J), Waggoner, Wilson, and Windom:

S.J.R. 22. CREATING A COMMITTEE TO STUDY AND PROVIDE FOR THE ERECTION OF A VIETNAM VETERANS MONUMENT ON THE STATE CAPITOL GROUNDS.

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That there is hereby created the Vietnam Veterans Monument Study Committee. The committee shall be composed of two state senators appointed by the Lieutenant Governor, two members of the House of Representatives appointed by the Speaker of the House, the director of Veterans Affairs, the director of the Historical Commission and the president of the State's Vietnam Veterans Association.

The committee shall study the feasibility of erecting a Vietnam Veterans Monument and the location, cost, and financing of said monument. The committee shall adopt a design for the monument. The committee shall be authorized to establish a method for the submission and acceptance of private, tax free donations to be used solely for the cost of erecting said monument.

The committee shall meet as soon after their appointment as practicable and choose one of their members as chairman and another as vice-chairman.

Upon request of the chairman, the Clerk of the House and the Secretary of the Senate shall provide such clerical assistance as may be necessary for the committee's work. The committee shall remain in effect until said monument is in place and all costs are paid. Committee members shall not receive any compensation or expenses for their services.

MCDOWELL LEE
Secretary

SENATE MESSAGE

The resolution, S.J.R. 22, set out in the foregoing Message from the Senate was read and referred to the Standing Committee on Rules.

RESOLUTIONS

The following resolutions were introduced:

By Representatives Beasley, Anderson, Barnes, Biddle, Black (L), Black (M), Blakeney, Bowling, Box, Bryant, Bugg, Burke, Buskey (JE), Buskey (JL), Butler, Cagle, Campbell, Carns, Carothers, Carter, Clark (J), Clark (W), Clay, Cosby, Crow, Cullins, Curry, Dolbare, Drake, Escott-Russell, Flowers, Ford, Freeman, Fuller, Gaines, Gaston, Goodwin, Grayson, Gullatt, Hall, Hamilton, Hammett, Haney, Harper, Harvey, Hawkins, Haynes, Higginbotham, Hill, Hogan, Holladay, Holley, Holmes, Hooper, Johnson, Kennedy, Knight, Kvalheim, Laird, Layson, Letson, Lindsey, Mathis, McClain, McDaniel, McDowell, McKee, McMillan, Melton, Mikell, Millican, Morrow, Morton, Newman, Newton (C), Newton (D), Parker (P), Parker (T), Payne, Penry, Perdue, Petelos, Poole, Powell, Rich, Richardson, Rockhold, Rogers (F), Rogers (J), Sanderford, Sanderson, Smith (C), Smith (R), Spratt, Starkey, Thomas, Turner, Turnham, Venable, Walker, Warren, White, Williams, Willis and Zoghy:

H.J.R. 69. MOURNING THE DEATH OF FLOYD HOWARD GRAY, JR., OF MONTGOMERY, ALABAMA.

WHEREAS, it is with deep sadness and regret that the Legislature of Alabama records the untimely death of Floyd Howard Gray, Jr., of Montgomery, Alabama, on April 2, 1991, at the age of just 36 years; and

WHEREAS, Mr. Gray, who was former executive director of the Alabama Pharmaceutical Association, was serving at the time of his death as a legislative assistant with the Alabama Hospital Association and, in these capacities and through close association, was a valued friend of many members of the

Legislature; and

WHEREAS, in addition, however, to his professional responsibilities, Mr. Gray assumed a leadership role in the community as a member, deacon and as director of Vacation Bible School for three years at Vaughn Road Church of Christ; he also filled in as pastor at Salem Church of Christ, served with Agape of Central Alabama, worked with the Boy Scouts and was a soccer coach; and

WHEREAS, the death of Floyd Howard Gray, Jr., has indeed left a deep void in the life of his community and in the hearts of his family and many, many friends; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we grievously mourn the death of Floyd Howard Gray, Jr., of Montgomery, Alabama, and extend deepest sympathy to his wife, Mrs. Phoebe Gray; to his son and daughter, Floyd Howard Gray, III, and Elizabeth Rebecca Gray; to his father and stepmother, Mr. and Mrs. Floyd Howard Gray; and to other family members, whose sorrow we sincerely share and for whom a copy of this resolution shall be provided.

On motion of Representative Beasley, the rules were suspended and the resolution, H.J.R. 69, was adopted.

Also:

By Representative Drake:

H.R. 70. CORRECTING THE HOUSE JOURNAL AS TO THE VOTING RECORD OF REPRESENTATIVE TOM DRAKE.

WHEREAS, newspapers throughout this state have carried articles stating that Representative Tom Drake voted for legislative pay raises on the opening day of this session, viz., April 16, 1991; and

WHEREAS, on that date Representative Drake was in the Northern District Federal Court for the State of Alabama trying a civil case before Judge Acker, which fact is duly shown in the records of that court; and

WHEREAS, his voting machine in the Legislature was apparently voted in favor of the pay raises in his absence and without his knowledge and consent; and

WHEREAS, Representative Drake would have voted against the pay raises on this occasion had his attendance in Federal Court not been required; and

WHEREAS, it is a great injustice to Representative Drake that the Journals of the House show that he voted in favor of the two pay raises; now therefore,

BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES OF THE LEGISLATURE OF ALABAMA, That the Journal and records of the House reflect that Representative Tom Drake would have voted "no" on both pay raise resolutions had he been physically present in the House Chamber.

BE IT FURTHER RESOLVED, That the Clerk of the House send a copy of this resolution to every newspaper in the State of Alabama.

On motion of Representative Drake, the rules were suspended and the resolution, H.R. 70, was adopted.

**REPORT OF THE STANDING COMMITTEE
ON RULES ON ENROLLED AND ENGROSSED BILLS**

Mr. Speaker:

Your Standing Committee on Rules begs leave to report that it has examined the following House Joint Resolution, to-wit:

H.J.R. 64. RELATIVE TO MEETING DAYS

And finds same correctly enrolled.

TOMMY CARTER
Chairman

SIGNING OF HOUSE JOINT RESOLUTION

The Speaker of the House, in the presence of the House, immediately after the title had been publicly read by the Clerk, the reading at length having been dispensed with by a two-thirds vote of a quorum present, signed the House Joint Resolution, the title of which is set out in the foregoing Report of the Standing Committee on Rules.

RESOLUTIONS

The following resolution was introduced and distributed according to Joint Rule 11:

By Representatives Buskey (JE), Clark (W) and Kennedy:

H.R. 71. MOURNING THE DEATH OF FRED BURKS OF MOBILE COUNTY, ALABAMA.

Also:

The following resolution was introduced:

By Representatives Buskey (JE), Clark (W) and Kennedy:

H.J.R. 72. MOURNING THE DEATH OF FRED BURKS OF MOBILE COUNTY, ALABAMA.

WHEREAS, the Legislature of Alabama grievously records the death of Fred Burks of Mobile County, Alabama, on April 12, 1991; and

WHEREAS, Coach Fred Burks devoted his entire professional career to teaching and coaching youths of Mobile County; and

WHEREAS, Coach Fred Burks developed outstanding athletes in football and other sports; and

WHEREAS, Coach Fred Burks was instrumental in securing athletic scholarships for many athletes in Mobile County; and

WHEREAS, Coach Fred Burks inspired and motivated many students to achieve excellence in their life endeavors; and

WHEREAS, Coach Burks served as a role model for our youths in public education; and

WHEREAS, Coach Burks played on two Williamson High School state championship football teams; and

WHEREAS, Coach Fred Burks was elected to Mississippi Valley University Athletic Hall of Fame; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we are deeply saddened by the death of Fred Burks of Mobile County, Alabama, and extend heartfelt sympathy to his beloved wife, Mrs. Barbara Mills Burks; to his son, Fred D. Burks, II; daughters, Ingrid Helena Burks and Brooke Alexis Burks; and to other family members, whose sorrow we share and for whom a copy of this resolution shall be provided.

On motion of Representative Buskey (JE), the rules were suspended and the resolution, H.J.R. 72, was adopted.

Also:

The following resolution was introduced and distributed according to Joint Rule 11:

By Representatives Kvalheim and Gaston:

H.R. 73. MOURNING THE DEATH OF JOE BARBATO OF MOBILE, ALABAMA.

Also:

The following resolutions were introduced:

By Representatives Hooper, Anderson, Barnes, Beasley, Biddle, Black (I), Black (M), Blakeney, Bowling, Box, Bryant, Bugg, Burke, Buskey (JE), Buskey (JL), Butler, Cagle, Campbell, Carns, Carothers, Carter, Clark (J),

Clark (W), Clay, Cosby, Crow, Cullins, Curry, Dolbare, Drake, Escott-Russell, Flowers, Ford, Freeman, Fuller, Gaines, Gaston, Goodwin, Grayson, Gullatt, Hall, Hamilton, Hammett, Haney, Harper, Harvey, Hawkins, Haynes, Higginbotham, Hill, Hogan, Holladay, Holley, Holmes, Johnson, Kennedy, Knight, Kvalheim, Laird, Layson, Letson, Lindsey, Mathis, McClain, McDaniel, McDowell, McKee, McMillan, Melton, Mikell, Millican, Morrow, Morton, Newman, Newton (C), Newton (D), Parker (P), Parker (T), Payne, Penry, Perdue, Petelos, Poole, Powell, Rich, Richardson, Rockhold, Rogers (F), Rogers (J), Sanderford, Sanderson, Smith (C), Smith (R), Spratt, Starkey, Thomas, Turner, Turnham, Venable, Walker, Warren, White, Williams, Willis and Zoghby:

H.J.R. 74. MOURNING THE DEATH OF WILLIE VIRGE LYERLY OF MONTGOMERY, ALABAMA.

WHEREAS, a source of deep sorrow to the Legislature of Alabama is the lamentable death of Willie Virge "Bill" Lyerly of Montgomery, Alabama, on March 31, 1991, at the age of 69 years; and

WHEREAS, a native of Wetumpka, Bill Lyerly grew up in Tallassee where he attended public school and, upon graduation from high school in 1940, joined the United States Army; following the outbreak of World War II and the ensuing mobilization of U. S. troops, he became one of the Army's youngest master sergeants and was the recipient of numerous medals and other citations for distinguished service in combat in Africa, Italy, France and Germany; and

WHEREAS, upon returning to Alabama, Bill Lyerly joined Governor James E. Folsom's 1946 campaign and, during Folsom's terms in office, served in a number of positions including Chief of Staff and Executive Secretary to the Governor; he was named Director of the Department of Public Safety in 1955 and, in this capacity, worked tirelessly for the implementation of the first retirement system for state troopers, which subsequently was approved by the Legislature; and

WHEREAS, after retiring in 1958 from the Department of Public Safety, he was appointed by Governor Folsom to fill a vacancy in the office of Montgomery County Tax Collector; in the next following election, he defeated seven opponents in the primary to win election and, during the next eight succeeding elections, was returned to office without opposition, thereby rendering invaluable service to the City of Montgomery for more than 32 years; and

WHEREAS, Bill Lyerly, although one of our state's most dedicated public servants, stood equally as tall in his commitment to community service and leadership and most particularly to Morningview Baptist Church where he was a Sunday School teacher for 25 years; as a member of the Lions Club and active participant in the club's sight program; and as a supporter of the YMCA's youth programs and other community youth projects; and

WHEREAS, he also was a lifetime member of the YMCA Board of Directors, a founding member of the Hitchcock Program, and 1970 YMCA Man of the Year, among other honors and trusts which clearly reflect his regard within the community; and

WHEREAS, Bill Lyerly was truly a man of honor and integrity; one of steadfast purpose who sought not stature, but satisfaction in serving others and, in all humility and unassuming dignity, left an indelible mark in the hearts of all those whose lives he touched; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That even as we mourn his death, we give thanks for the life and consummate service of Willie Virge Lyerly of Montgomery, Alabama, and extend our deepest and most heartfelt sympathy to his wife, Ann B. Lyerly; sons, Thomas Ray Boroughs and William Wear Lyerly; and to his grandchildren, Rebekah Ann Boroughs, Samuel Laird Boroughs and Cameron Elizabeth Lyerly, whose sorrow we sincerely share and for whom copies of this resolution shall be provided.

On motion of Representative Hooper, the rules were suspended and the resolution, H.J.R. 74, was adopted.

Also:

By Representative Hooper:

H.J.R. 75. MOURNING THE DEATH OF JOHN RANDOLPH PENTON, JR., OF MONTGOMERY, ALABAMA.

WHEREAS, grievously recorded by the Legislature of Alabama is the death of John Randolph Penton, Jr., of Montgomery, Alabama, on March 16, 1991, at the age of 71 years; and

WHEREAS, a native and lifelong resident of Montgomery, Dr. Penton was a member of a prominent family of physicians; he was the son of the late Dr. John Randolph and Minnie McKay Penton, and his brother, Dr. George Blue Penton, recently retired from the practice of medicine; and

WHEREAS, Dr. Randolph Penton, Jr., a United States Army veteran and a lifelong member of Trinity Presbyterian Church, was engaged in private practice for many years and was one of the original physicians on the staff of Jackson Hospital; he also was the founder and past president of the Montgomery Arthritis Foundation and had served as president of the Alabama Heart Association; and

WHEREAS, in the lamentable death of Randolph Penton, Jr., the Montgomery and medical communities have indeed suffered a deep and grievous loss that leaves a void in the lives and hearts of his family, former patients and many, many friends; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we are deeply saddened by the death of John Randolph Penton, Jr., of Montgomery, Alabama, and extend deepest sympathy to his beloved wife, Mrs. Jean E. Penton; daughters, Marianne P. Clements and Betty Jean Goff; to his grandsons, Kirby P. and John T. Clements, and Wayne Goff; brother, Dr. George B. Penton; and to other family members, whose sorrow we sincerely share and for whom a copy of this resolution shall be provided.

On motion of Representative Hooper, the rules were suspended and the resolution, H.J.R. 75, was adopted.

Also:

By Representative Knight:

H.J.R. 76. ESTABLISHING A HIGHER EDUCATION TASK FORCE TO REVIEW, EVALUATE AND RECOMMEND LEGISLATIVE REFORMS NEEDED TO ACCOMPLISH A UNIFIED FINANCIAL AID PACKAGE FOR ALABAMA CITIZENS.

WHEREAS, the Legislature of Alabama notes that the Alabama Commission on Higher Education shall serve in an advisory capacity to the Legislature and the Governor in respect to all matters pertaining to state funds for the operation and the allocation of funds for capital improvements of state supported institutions of higher education; and

WHEREAS, there is growing interest in providing qualified college-bound students with financial assistance; and

WHEREAS, there are numerous scholarship and grant programs being provided by this Legislature throughout the Special Educational Trust Fund budget; and

WHEREAS, the Alabama Commission on Higher Education is the state's designated agency for the Guaranteed Student Loan Program and already administers some of these student financial assistance programs; and

WHEREAS, Act No. 90-95, HJR 168, 1990 Regular Session, requested that the Alabama Commission on Higher Education provide an analysis of the state supported student financial assistance available to students and prospective students of institutions of higher learning and recommendations about the adequacy of these financial aid programs; and

WHEREAS, the Alabama Commission on Higher Education provided the requested analysis in June 1990, which indicated that because the various student financial assistance programs were established at different times and for different purposes, the goals and funding for these programs are not coherent and balanced; and

WHEREAS, the overall program of support for student financial assistance programs should be planned and consistent with current needs of society and the students; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That there is hereby established a higher education task force to review and evaluate student financial assistance and recommend legislative reforms needed to accomplish a unified financial aid package for Alabama citizens.

BE IT FURTHER RESOLVED, That the task force shall consist of one member of the House of Representatives to be appointed by the Speaker; one member of the Senate to be appointed by the Lieutenant Governor; the Chancellor of the Alabama Department of Postsecondary Education or his designee; the Chairman of the Pre-Paid Tuition Board or his designee; the President of the Council for the Advancement of Private Colleges in Alabama or his designee; and the President of the Alabama Association of Student Financial Aid Administrators.

RESOLVED FURTHER, That a copy of this resolution be provided forthwith to the Alabama Commission on Higher Education.

The resolution, H.J.R. 76, was read and referred to the Standing Committee on Rules.

Also:

By Representatives Grayson, Haney, Butler, Hall, Sanderford, Anderson, Barnes, Beasley, Biddle, Black (L), Black (M), Blakeney, Bowling, Box, Bryant, Bugg, Burke, Buskey (JE), Buskey (JL), Cagle, Campbell, Carns, Carothers, Carter, Clark (J), Clark (W), Clay, Cosby, Crow, Cullins, Curry, Dolbare, Drake, Escott-Russell, Flowers, Ford, Freeman, Fuller, Gaines, Gaston, Goodwin, Gullatt, Hamilton, Hammett, Harper, Harvey, Hawkins, Haynes, Higginbotham, Hill, Hogan, Holladay, Holley, Holmes, Hooper, Johnson, Kennedy, Knight, Kvalheim, Laird, Layson, Letson, Lindsey, Mathis, McClain, McDaniel, McDowell, McKee, McMillan, Melton, Mikell, Millican, Morrow, Morton, Newman, Newton (C), Newton (D), Parker (P), Parker (T), Payne, Penry, Perdue, Petelos, Poole, Powell, Rich, Richardson, Rockhold, Rogers (F), Rogers (J), Sanderson, Smith (C), Smith (R), Spratt, Starkey, Thomas, Turner, Turnham, Venable, Walker, Warren, White, Williams, Willis and Zoghby:

H.J.R. 77. NAMING THE JAMES I. DAWSON COOPERATIVE EXTENSION BUILDING AT ALABAMA A & M UNIVERSITY.

WHEREAS, James Ira Dawson, Associate Dean for Extension and Administrator of the Extension Program, is a 1953 graduate of Alabama A & M University with a B.S. degree in Agribusiness Education; he also holds the M.Ed. degree from Tuskegee University, his Ph.D. degree from Pennsylvania State University and an Associate degree from Jefferson State College; and

WHEREAS, Dr. Dawson was employed by Alabama A & M University in September 1969 as Chairperson of the Department of Agribusiness Education and during the ensuing six years, also taught Agribusiness courses on the undergraduate level as well as statistics and research on the graduate level; and

WHEREAS, during the same period, Dr. Dawson wrote and received funding for three proposals for more than \$500,000.00; after four years of service to the University, he was promoted to full professor, and has continued to write and help other faculty prepare proposals that bring funds to the University; and

WHEREAS, at the request of President R. D. Morrison, now retired, Dr.

Dawson consented to serve on the Huntsville-Madison County Community Action Agency Board of Directors representing Alabama A & M University, serving in this capacity for ten years, the maximum tenure allowed; he served on the Executive Committee seven of those ten years and as Chairperson of the Board for the last three years of his tenure; and

WHEREAS, Dr. Dawson was promoted to Associate Dean for Extension in 1971 while continuing to serve also as Agribusiness Department Chairperson until 1975; and

WHEREAS, in further distinguished service to Alabama A & M University, upon receipt by the University of Cooperative Extension funds, Dr. Dawson developed the first University Cooperative Extension plan and employed the Extension Staff for the University's Cooperative Extension Program (CEP) which began December 1, 1971; and

WHEREAS, in terms of cash donations to the University, the record will reflect that in addition to donating \$1,000.00 to the Eminent Scholars Award (\$500.00 each year), Dr. Dawson has made sizable donations during class reunions and served as Chairperson of the class reunion when his own class (1953) was recognized for having made the largest donation to the University during Founder's Day in 1987; and

WHEREAS, Dr. Dawson served as Secretary, Vice Chairperson and Chairperson of the Association of Extension Administrators during the three years the administrators made contact and worked with Dr. Joyce Payne, Council of Presidents at 1890 Land Grant Institutions and Tuskegee University, ES/USDA officials, and Congressperson to obtain \$50 million in appropriations for Extension buildings and facilities on the campus of 1890 Institutions and Tuskegee University; as Dr. Morrison had retired as President of Alabama A & M and Chairperson of the Council, Dr. Dawson was the sole person at Alabama A & M University to play a major role in helping secure a \$50,000,000 building and facility grant; and

WHEREAS, further, Dr. Dawson, as Associate Dean for Extension and Administrator of the Extension Program played one of the leading roles in every phase of planning and constructing the Cooperative Extension Building, and also served as liaison between the University and Extension Service, USDA, throughout the process; and

WHEREAS, in view of Dr. Dawson's notable and many contributions to Alabama A & M University and his instrumental role in the construction of the University's Cooperative Extension Building, it is the desire of University officials and the Legislature that said building be named in his honor; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we hereby name and designate the Cooperative Extension Building on the campus of Alabama A & M University, as the "James I. Dawson Cooperative Extension Building."

BE IT FURTHER RESOLVED, That the proper officials are herein

authorized to erect and maintain appropriate signs and markers designating the said "James I. Dawson Cooperative Extension Building," and it is further provided that a copy of this resolution be presented to Dr. Dawson as a memento of this honorary designation of the Alabama Legislature.

On motion of Representative Grayson, the rules were suspended and the resolution, H.J.R. 77, was adopted.

BILLS ON THIRD READING

BUDGET ISOLATION RESOLUTION

On motion of Representative Zoghby, the Budget Isolation Resolution relating to the bill, H. 144, was adopted.

Yeas 71; Nays 1.

Yea:

Mr. Speaker, Anderson, Beasley, Black (L), Black (M), Blakeney, Bugg, Burke, Buskey (JE), Buskey (JL), Campbell, Carothers, Carter, Clark (W), Cosby, Crow, Dolbare, Drake, Flowers, Ford, Freeman, Gaines, Gaston, Grayson, Gullatt, Hall, Hamilton, Hammett, Harper, Harvey, Higginbotham, Hill, Holladay, Holley, Hooper, Kennedy, Knight, Kvalheim, Laird, Lindsey, Mathis, McDaniel, McKee, McMillan, Mikell, Millican, Morrow, Morton, Newton (C), Newton (D), Parker (T), Perdue, Poole, Powell, Rich, Richardson, Rockhold, Rogers (F), Sanderford, Sanderson, Smith (C), Spratt, Starkey, Thomas, Turner, Venable, Warren, White, Williams, Willis and Zoghby.

-71

Nay:

Representative Barnes.

- 1

And the bill:

H. 144. To amend section 5-13A-3, Code of Alabama 1975, relating to the acquisition of an Alabama bank holding company or an Alabama bank by a regional bank holding company, so as to provide further for any such acquisition.

was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 79; Nays 0.

Yea:

Mr. Speaker, Anderson, Beasley, Black (L), Black (M), Bugg, Burke, Buskey (JE), Buskey (JL), Cagle, Campbell, Carns, Carothers, Carter, Clark (W),

Cosby, Crow, Curry, Dolbare, Drake, Flowers, Ford, Freeman, Gaines, Gaston, Grayson, Gullatt, Hall, Hamilton, Hammett, Harper, Harvey, Hawkins, Higginbotham, Hill, Hogan, Holladay, Holley, Holmes, Hooper, Kennedy, Knight, Kvalheim, Laird, Layson, Lindsey, Mathis, McDaniel, McKee, McMillan, Mikell, Millican, Morrow, Morton, Newton (C), Newton (D), Parker (T), Penry, Perdue, Poole, Powell, Rich, Richardson, Rockhold, Rogers (F), Sanderford, Sanderson, Smith (C), Smith (R), Spratt, Starkey, Thomas, Turner, Venable, Warren, White, Williams, Willis and Zoghby.

-79

BUDGET ISOLATION RESOLUTION

On motion of Representative Hill, the Budget Isolation Resolution relating to the bill, H. 132, was adopted.

Yeas 76; Nays 0.

Yea:

Representatives Barnes, Beasley, Black (M), Bowling, Bugg, Buskey (JE), Buskey (JL), Cagle, Campbell, Carns, Carothers, Carter, Cosby, Crow, Cullins, Dolbare, Drake, Flowers, Ford, Freeman, Fuller, Gaines, Gaston, Grayson, Gullatt, Hall, Hamilton, Hammett, Haney, Hawkins, Higginbotham, Hill, Hogan, Holladay, Holley, Holmes, Hooper, Kennedy, Knight, Kvalheim, Laird, Layson, Lindsey, Mathis, McDaniel, McKee, Mikell, Millican, Morrow, Morton, Newman, Newton (C), Parker (T), Payne, Penry, Perdue, Powell, Rich, Richardson, Rockhold, Rogers (F), Sanderford, Sanderson, Smith (C), Smith (R), Spratt, Starkey, Thomas, Turner, Turnham, Venable, Warren, White, Williams, Willis and Zoghby.

-76

And the bill:

H. 132. To amend Section 11-81-21, Code of Alabama 1975, relating to investment of municipal or county funds, so as to permit municipal and county funds to be invested in certain open-end or closed-end investment trusts which are invested in direct obligations of the United States of America or repurchase agreements respecting such U. S. obligations.

was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 81; Nays 0.

Yea:

Representatives Beasley, Biddle, Black (M), Blakeney, Bowling, Bugg, Burke, Buskey (JE), Buskey (JL), Butler, Cagle, Campbell, Carns, Carothers, Carter,

Clark (W), Cosby, Crow, Cullins, Dolbare, Drake, Flowers, Ford, Freeman, Fuller, Gaines, Gaston, Grayson, Gullatt, Hall, Hamilton, Hammett, Haney, Harvey, Higginbotham, Hill, Hogan, Holladay, Holley, Holmes, Hooper, Kennedy, Knight, Kvalheim, Laird, Layson, Lindsey, Mathis, McDaniel, McKee, Mikell, Millican, Morrow, Morton, Newman, Newton (C), Parker (T), Payne, Penry, Perdue, Poole, Powell, Rich, Richardson, Rockhold, Rogers (F), Sanderford, Sanderson, Smith (C), Smith (R), Spratt, Starkey, Thomas, Turner, Turnham, Venable, Warren, White, Williams, Willis and Zoghby.

-81

PERMISSION GRANTED

Permission was granted for the Journal to reflect that Representative Hawkins would have voted "Yea" on the bill, H. 132, had he been in the Chamber at the time of voting.

BUDGET ISOLATION RESOLUTION

On motion of Representative Zoghby, the Budget Isolation Resolution relating to the bill, H. 145, was adopted.

Yeas 71; Nays 1.

Yea:

Mr. Speaker, Anderson, Barnes, Beasley, Black (M), Bugg, Burke, Buskey (JE), Butler, Cagle, Campbell, Carns, Carothers, Carter, Clark (W), Cosby, Crow, Cullins, Dolbare, Drake, Ford, Freeman, Gaines, Gaston, Hall, Hamilton, Hammett, Haney, Hawkins, Haynes, Higginbotham, Hill, Hogan, Holladay, Holmes, Johnson, Kennedy, Knight, Kvalheim, Laird, Layson, Lindsey, Mathis, McDaniel, Millican, Morrow, Morton, Newman, Newton (C), Parker (P), Parker (T), Payne, Perdue, Petelos, Poole, Rich, Richardson, Rockhold, Rogers (F), Sanderford, Sanderson, Smith (C), Smith (R), Spratt, Starkey, Thomas, Turnham, Warren, Williams, Willis and Zoghby.

-71

Nay:

Representative Holley.

- 1

And the bill:

H. 145. Relating to the administration of fiduciary accounts by duly authorized banks and trust companies by requiring timely investment of idle funds, by setting a quality standard, requiring a reasonable rate of return, providing for compensation and providing for the application of this act to fiduciary accounts now existing or hereafter created.

was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 81; Nays 2.

Yea:

Mr. Speaker, Anderson, Barnes, Beasley, Black (M), Blakeney, Bugg, Burke, Buskey (JE), Buskey (JL), Butler, Cagle, Campbell, Carns, Carothers, Carter, Clark (W), Cosby, Crow, Cullins, Dolbare, Drake, Flowers, Ford, Freeman, Gaines, Gaston, Hall, Hamilton, Hammett, Haney, Harper, Harvey, Hawkins, Haynes, Higginbotham, Hill, Hogan, Holladay, Holmes, Johnson, Kennedy, Knight, Kvalheim, Laird, Layson, Lindsey, Mathis, McDaniel, McKee, Morrow, Morton, Newman, Newton (C), Parker (P), Parker (T), Payne, Penry, Perdue, Petelos, Poole, Powell, Rich, Richardson, Rockhold, Rogers (F), Sanderford, Sanderson, Smith (C), Smith (R), Spratt, Starkey, Thomas, Turnham, Venable, Walker, Warren, White, Williams, Willis and Zoghby.

-81

Nay:

Representatives Holley and Millican.

- 2

BUDGET ISOLATION RESOLUTION

On motion of Representative Zoghby, the Budget Isolation Resolution relating to the bill, H. 146, was adopted.

Yeas 76; Nays 0.

Yea:

Representatives Anderson, Beasley, Blakeney, Bowling, Bugg, Buskey (JE), Buskey (JL), Cagle, Carns, Carothers, Carter, Clark (W), Clay, Cosby, Crow, Cullins, Curry, Dolbare, Drake, Flowers, Ford, Gaines, Gaston, Grayson, Hall, Hamilton, Hammett, Haney, Harvey, Hawkins, Haynes, Hill, Hogan, Holladay, Holley, Holmes, Johnson, Kennedy, Knight, Kvalheim, Laird, Layson, Lindsey, Mathis, McDaniel, McKee, McMillan, Mikell, Millican, Morrow, Morton, Newman, Newton (C), Parker (P), Parker (T), Payne, Penry, Perdue, Poole, Powell, Rich, Richardson, Rockhold, Sanderford, Sanderson, Smith (C), Smith (R), Spratt, Starkey, Thomas, Turner, Walker, Warren, Williams, Willis and Zoghby.

-76

And the bill:

H. 146. Relating to motor vehicles so as to provide that a transaction does not create a sale or security interest merely because the transaction provides that the rental price may be adjusted by reference to the amount realized upon sale or other disposition of the motor vehicle; to provide for severability of the provisions of this act; to provide for repeal of conflicting laws; and to provide for an effective date.

was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 86; Nays 0.

Yea:

Representatives Anderson, Barnes, Beasley, Black (M), Blakeney, Bowling, Bugg, Burke, Buskey (JE), Buskey (JL), Butler, Cagle, Campbell, Carns, Carothers, Carter, Clark (W), Clay, Cosby, Crow, Cullins, Curry, Dolbare, Drake, Flowers, Ford, Gaines, Gaston, Grayson, Hall, Hamilton, Hammett, Haney, Harper, Harvey, Hawkins, Haynes, Higginbotham, Hill, Hogan, Holladay, Holley, Holmes, Johnson, Kennedy, Knight, Kvalheim, Laird, Layson, Lindsey, Mathis, McDaniel, McKee, McMillan, Mikell, Millican, Morrow, Morton, Newman, Newton (C), Newton (D), Parker (P), Parker (T), Payne, Penry, Perdue, Poole, Powell, Rich, Richardson, Rockhold, Sanderford, Sanderson, Smith (C), Smith (R), Spratt, Starkey, Thomas, Turner, Turnham, Venable, Walker, Warren, Williams, Willis and Zoghby.

-86

RESOLUTION

The following resolution was introduced:

By Representatives Black (L), Kennedy, Buskey (JE), Clark (W), Thomas, Warren, Campbell, Anderson, Barnes, Beasley, Biddle, Black (M), Blakeney, Bowling, Box, Bugg, Burke, Buskey (JL), Butler, Cagle, Carns, Carothers, Carter, Clark (J), Clay, Cosby, Crow, Cullins, Curry, Dolbare, Drake, Escott-Russell, Flowers, Ford, Freeman, Fuller, Gaines, Gaston, Goodwin, Grayson, Gullatt, Hall, Hamilton, Hammett, Haney, Harper, Harvey, Hawkins, Haynes, Higginbotham, Hill, Hogan, Holladay, Holley, Holmes, Hooper, Johnson, Knight, Kvalheim, Laird, Layson, Letson, Lindsey, Mathis, McClain, McDaniel, McDowell, McKee, McMillan, Melton, Mikell, Millican, Morrow, Morton, Newman, Newton (C), Newton (D), Parker (P), Parker (T), Payne, Penry, Perdue, Petelos, Poole, Powell, Rich, Richardson, Rockhold, Rogers (F), Rogers (J), Sanderford, Sanderson, Smith (C), Smith (R), Spratt, Starkey, Turner, Turnham, Venable, Walker, White, Williams, Willis and Zoghby:

H.J.R. 78. MOURNING THE DEATH OF MRS. SADIE JEAN RASPBERRY BRYANT OF NEWBERN, ALABAMA.

WHEREAS, it is with deep sadness and regret that the Legislature of Alabama records the lamentable death of Mrs. Sadie Jean Raspberry Bryant of Newbern, Alabama, on April 17, 1991; and

WHEREAS, a native of Selma, Alabama, and a graduate of Alabama State University with the B.A. and Master's degrees, Mrs. Bryant was a former teacher with the Perry County School System and, throughout her distinguished tenure, greatly impacted upon the lives of the many students privileged to her counsel and tutelage; and

WHEREAS, Mrs. Bryant was a member of Mount Valley AME Zion Church where she served faithfully as president of the Church Choir and as church secretary for many years, and was active also in support of other programs of concern to the Newbern community and State of Alabama; and

WHEREAS, among numerous civic and professional affiliations, Mrs. Bryant was a member of the Perry County Teachers Association, Perry County Retired Teachers Association, the Alabama and National Educational Associations, and the Alabama State Legislators Spouses Association which she had served as vice-president; and

WHEREAS, the death of Mrs. Bryant has indeed left an unfathomable void in the life of her community, and in the hearts of her loving family and many, many friends; and

WHEREAS, Mrs. Sadie Jean Bryant, the beloved wife of our friend and colleague, Representative Jenkins Bryant, Jr., is survived also by her daughter and son-in-law, Cynthia and Dr. Bennett Desadier; grandchildren, LaKimba Benne', Kamilah Bahati and Bennett "Bryant" Desadier; niece, Audra Faye; and by other family members and many friends, all of whom are sorely bereft in their inconsolable loss; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we grievously mourn the death of Mrs. Sadie Jean Raspberry Bryant of Newbern, Alabama, and extend deepest and most heartfelt sympathy to her family, for whom a copy of this resolution shall be provided that they may know of our shared sorrow in their great and grievous loss.

On motion of Representative Black (L), the rules were suspended and the resolution, H.J.R. 78, was adopted.

BILLS ON THIRD READING RESUMED

BUDGET ISOLATION RESOLUTION OFFERED

Representative Beasley offered the motion to adopt the Budget Isolation Resolution relating to the bill, H. 294.

SUBSTITUTE MOTION TO CARRY OVER TABLED

On motion of Representative Beasley, the substitute motion offered by Representative Holmes to carry over the Budget Isolation Resolution and the bill, H. 294, to the fourth legislative day, was tabled.

Yeas 55; Nays 13.

Yea:

Mr. Speaker, Beasley, Butler, Campbell, Carns, Carothers, Crow, Curry, Ford, Freeman, Fuller, Gaines, Gaston, Gullatt, Hall, Hammett, Haney, Harper, Harvey, Hawkins, Higginbotham, Hill, Hogan, Holladay, Holley, Hooper, Johnson, Knight, Kvalheim, Laird, Mathis, McDaniel, McKee, McMillan, Millican, Morton, Newman, Newton (C), Parker(P), Parker (T), Payne, Petelos, Poole, Powell, Rich, Rockhold, Rogers (F), Sanderford, Sanderson, Smith (C), Starkey, Turner, Venable, Willis and Zoghby.

-55

Nay:

Representatives Barnes, Black (L), Blakeney, Buskey (JE), Clark (W), Cullins, Dolbare, Grayson, Holmes, Letson, McClain, Smith (R) and Spratt.

-13

BUDGET ISOLATION RESOLUTION CARRIED OVER

On motion of Representative Beasley, the Budget Isolation Resolution and the bill, H. 294, were temporarily carried over.

MOTION TO SUSPEND RULES ADOPTED

On motion of Representative Ford, the rules were suspended in order to bring up uncontested local bills on the Calendar.

BUDGET ISOLATION RESOLUTION

On motion of Representative Newman, the Budget Isolation Resolution relating to the bill, H. 9, was adopted.

Yeas 37; Nays 2.

Yea:

Mr. Speaker, Barnes, Beasley, Black (M), Campbell, Carothers, Carter, Cullins, Curry, Dolbare, Ford, Grayson, Gullatt, Hamilton, Hammett, Haynes,

Higginbotham, Hill, Johnson, Kennedy, Knight, Lindsey, Mathis, McClain, Millican, Morton, Newman, Parker (P), Parker (T), Powell, Richardson, Sanderford, Smith (C), Starkey, Thomas, Venable and Zoghby.

-37

Nay:

Representatives Hall and Letson.

- 2

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned, and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

And the bill:

H. 9. Relating to Lamar County; repealing Act No. 81-629, H. 873, Regular Session 1981 (Acts 1981, p. 1046) entitled "An Act Relating to Lamar County; to establish a special fund in the county treasury to pay a bounty on beaver trapped or killed in Lamar County; to provide for the administration of said fund and bounty system."

was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 50; Nays 3.

Yea:

Mr. Speaker, Beasley, Biddle, Black (M), Buskey (JE), Buskey (JL), Cagle, Campbell, Carns, Carothers, Crow, Cullins, Curry, Ford, Gaines, Gaston, Gullatt, Hamilton, Hammett, Haney, Hawkins, Haynes, Higginbotham, Hill, Hogan, Holley, Johnson, Knight, Letson, Mathis, McClain, Millican, Morton, Newman, Newton (C), Parker (P), Parker (T), Payne, Poole, Powell, Richardson, Rockhold, Rogers (F), Smith (C), Smith (R), Spratt, Starkey, Thomas, Venable and Zoghby.

-50

Nay:

Representatives Barnes, Carter and Hall.

- 3

BUDGET ISOLATION RESOLUTION

On motion of Representative Mathis, the Budget Isolation Resolution relating to the bill, H. 12, was adopted.

Yeas 48; Nays 0.

Yea:

Mr. Speaker, Barnes, Beasley, Black (M), Blakeney, Buskey (JL), Campbell, Carns, Carothers, Carter, Cullins, Curry, Dolbare, Ford, Freeman, Gaines, Gullatt, Hamilton, Hammett, Haney, Hawkins, Haynes, Higginbotham, Hill, Hogan, Holley, Johnson, Kennedy, Knight, Mathis, McClain, Millican, Morton, Newman, Newton (C), Parker (P), Parker (T), Payne, Poole, Powell, Richardson, Smith (C), Smith (R), Spratt, Starkey, Thomas, Venable and Zoghby.

-48

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned, and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

And the bill:

H. 12. Relating to Geneva County, to require the county governing body to levy an annual license tax and registration fee on certain motor vehicles; to provide for the collection, administration and enforcement of said tax and fees and the distribution of the proceeds of said tax and fees; to provide for certain exemptions; and to condition the operation of said act upon the adoption of a local constitutional amendment and approval of this act by the voters at a referendum provided for herein.

was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 54; Nays 0.

Yea:

Mr. Speaker, Barnes, Beasley, Black (M), Blakeney, Buskey (JL), Butler, Cagle, Campbell, Carns, Carothers, Carter, Crow, Cullins, Curry, Dolbare, Ford, Freeman, Gaines, Gullatt, Hamilton, Hammett, Haney, Hawkins, Haynes, Higginbotham, Hill, Hogan, Holley, Johnson, Kennedy, Knight, Letson, Mathis, McClain, Millican, Morton, Newman, Newton (C), Parker (P), Parker (T), Payne, Poole, Powell, Richardson, Rogers (F), Smith (C), Smith (R) Spratt, Starkey, Thomas, Venable, Willis and Zoghby.

-54

BUDGET ISOLATION RESOLUTION

On motion of Representative Mathis, the Budget Isolation Resolution relating to the bill, H. 13, was adopted.

Yeas 58; Nays 0.

Yea:

Mr. Speaker, Barnes, Beasley, Black (M), Blakeney, Buskey(JE), Buskey (JL), Butler, Carns, Carothers, Carter, Clark (W), Crow, Cullins, Curry, Dolbare, Ford, Freeman, Gaines, Gaston, Gullatt, Hall, Hamilton, Hammett, Harvey, Hawkins, Haynes, Hill, Hogan, Holley, Holmes, Johnson, Kennedy, Knight, Letson, Mathis, McClain, Millican, Morton, Newman, Newton (C), Parker (P), Parker (T), Payne, Penry, Poole, Powell, Richardson, Rockhold, Rogers (F), Sanderson, Smith (C), Smith (R), Spratt, Starkey, Thomas, Venable and Zoghby.

-58

And the bill:

H. 13. Relating to Geneva County; providing for the mode of establishing the construction, maintenance and repair of public roads, highways, bridges and ferries under the county unit system; authorizing and requiring the county governing body to employ and regulate the compensation of a county engineer; providing for the manner of selecting said engineer; prescribing his qualifications and requiring bond; defining his authority, powers and duties and those of the county governing body in relation to the roads, bridges and ferries of Geneva County; providing for an advisory referendum called for such purpose; and providing for an effective date.

was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 58; Nays 0.

Yea:

Mr. Speaker, Barnes, Beasley, Blakeney, Buskey (JE), Buskey (JL), Butler, Cagle, Campbell, Carns, Carter, Clark (W), Crow, Cullins, Curry, Ford, Freeman, Gaines, Gaston, Grayson, Gullatt, Hall, Hamilton, Hammett, Haney, Harvey, Hawkins, Haynes, Higginbotham, Hill, Hogan, Holley, Holmes, Johnson, Kennedy, Knight, Mathis, McClain, Millican, Morton, Newman, Parker (P), Parker (T), Payne, Penry, Poole, Powell, Richardson, Rockhold, Rogers (F), Sanderson, Smith (C), Spratt, Starkey, Thomas, Venable Willis and Zoghby.

-58

BUDGET ISOLATION RESOLUTION

On motion of Representative Mathis, the Budget Isolation Resolution relating to the bill, H. 14, was adopted.

Yeas 51; Nays 0.

Yea:

Mr. Speaker, Barnes, Beasley, Blakeney, Buskey (JE), Buskey (JL), Campbell, Carns, Carothers, Carter, Clark (W), Cullins, Curry, Dolbare, Ford, Freeman, Gaines, Gullatt, Hammett, Harvey, Hawkins, Haynes, Hill, Holley, Holmes, Johnson, Kennedy, Knight, Letson, Mathis, McClain, Millican, Morton, Newman, Newton (C), Parker (P), Parker (T), Payne, Poole, Powell, Richardson, Rogers (F), Sanderson, Smith (C), Spratt, Starkey, Thomas, Venable, White, Willis and Zoghby.

-51

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned, and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

And the bill:

H. 14. To propose a constitutional amendment relating to Geneva County, providing that the legislature may by local law: 1) require or authorize the county governing body to levy, administer, collect and enforce additional county license taxes and registration fees on motor vehicles; 2) provide for the distribution of the proceeds of said taxes and fees; and 3) provide for certain exemptions.

was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 65; Nays 0.

Yea:

Mr. Speaker, Barnes, Beasley, Blakeney, Bowling, Buskey (JE), Buskey (JL), Butler, Campbell, Carns, Carothers, Carter, Clark (W), Cullins, Curry, Dolbare, Ford, Freeman, Fuller, Gaines, Grayson, Gullatt, Hamilton, Hammett, Haney, Harvey, Hawkins, Haynes, Higginbotham, Hill, Holley, Holmes, Johnson, Kennedy, Knight, Laird, Letson, Mathis, McClain, McDowell, Millican, Morton, Newman, Newton (C), Parker (P), Parker (T), Payne, Penry, Poole, Powell, Richardson, Rogers (F), Rogers (J), Sanderson, Smith (C), Smith (R), Spratt, Starkey, Thomas, Venable, Walker, Warren, White, Willis and Zoghby.

-65

BUDGET ISOLATION RESOLUTION

On motion of Representative Hammett, the Budget Isolation Resolution relating to the bill, H. 40, was adopted.

Yeas 56; Nays 1.

Yea:

Mr. Speaker, Beasley, Black (M), Blakeney, Butler, Cagle, Campbell, Carns, Carothers, Carter, Cullins, Curry, Dolbare, Ford, Freeman, Gaines, Gaston, Grayson, Gullatt, Hamilton, Hammett, Harvey, Hawkins, Haynes, Higginbotham, Hill, Hogan, Holley, Johnson, Kennedy, Knight, Kvalheim, Letson, Mathis, McClain, Millican, Morton, Newman, Newton (C), Parker (P), Parker (T), Payne, Penry, Poole, Powell, Richardson, Rogers (F), Sanderford, Sanderson, Smith (C), Spratt, Starkey, Thomas, Venable, Willis and Zoghby.

-56

Nay:

Representative Hall.

- 1

And the bill:

H. 40. Relating to Covington County; to prohibit the placing of political signs, markers and advertising, on county controlled highways except for those signs or markers placed by or under the authority of the county.

was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 58; Nays 0.

Yea:

Mr. Speaker, Barnes, Beasley, Black (M), Blakeney, Cagle, Campbell, Carns, Carothers, Carter, Clark (W), Crow, Cullins, Curry, Dolbare, Ford, Freeman, Gaines, Gaston, Gullatt, Hamilton, Hammett, Haney, Harvey, Hawkins, Haynes, Higginbotham, Hogan, Holley, Johnson, Kennedy, Knight, Kvalheim, Letson, Mathis, McClain, McDaniel, Morrow, Newton, (C), Parker (P), Parker (T), Payne, Penry, Poole, Powell, Richardson, Rockhold, Sanderford, Sanderson, Smith (C), Smith (R), Spratt, Starkey, Thomas, Venable, Williams, Willis and Zoghby.

-58

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has concurred in and adopted the following House Joint Resolutions and returns same herewith to the House:

H.J.R. 6. HONORING HARRY B. BROCK, JR., OF BIRMINGHAM, ALABAMA.

Also:

H.J.R. 14. COMMENDING DELL McRAE OF MONTGOMERY, ALABAMA, FOR OUTSTANDING SERVICE TO THE ALABAMA LEGISLATURE AND THE STATE OF ALABAMA.

Also:

H.J.R. 26. COMMENDING THE ALABAMA DEPARTMENT OF HUMAN RESOURCES FOR HAVING THE NATION'S BEST CHILD SUPPORT PROGRAM.

Also:

H.J.R. 27. DESIGNATING TOURISM WEEK 1991, IN THE STATE OF ALABAMA.

Also:

H.J.R. 51. MOURNING THE DEATH OF CARL S. FARMER OF ABBEVILLE, ALABAMA.

MCDOWELL LEE
Secretary

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has concurred in and adopted the following House Joint Resolutions and returns same herewith to the House:

H.J.R. 44. PROVIDING FOR REIMBURSEMENT OF EXPENSES INCURRED BY CERTAIN MEMBERS THAT ATTENDED THE 1991 LEGISLATIVE BUDGET HEARINGS.

Also:

H.J.R. 52. COMMENDING THE UNITED METHODIST CHILDREN'S HOME, 1891-1991.

Also:

H.J.R. 54. COMMENDING LOUIS G. GREENE FOR DISTINGUISHED SERVICE TO THE LEGISLATURE AND TO THE STATE OF ALABAMA.

MCDOWELL LEE
Secretary

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has concurred in and adopted the following House Joint Resolutions and returns same herewith to the House:

H.J.R. 16. REQUESTING GENERAL COLIN L. POWELL AND GENERAL H. NORMAN SCHWARZKOPF TO ADDRESS A JOINT SESSION OF THE ALABAMA LEGISLATURE.

Also:

H.J.R. 18. COMMENDING EARLIE RICH ON THE OCCASION OF HIS RECOGNITION BY FELLOWSHIP PRESBYTERIAN CHURCH OF HUNTSVILLE, ALABAMA.

Also:

H.J.R. 19. COMMENDING REAVER BROWN ON THE OCCASION OF HIS RECOGNITION BY FELLOWSHIP PRESBYTERIAN CHURCH OF HUNTSVILLE, ALABAMA.

Also:

H.J.R. 20. COMMENDING EVELYN RICH ON THE OCCASION OF HER RECOGNITION BY FELLOWSHIP PRESBYTERIAN CHURCH OF HUNTSVILLE, ALABAMA.

Also:

H.J.R. 22. COMMENDING HEAD COACH HAROLD MURRELL OF ATHENS STATE COLLEGE FOR OUTSTANDING ACHIEVEMENT.

Also:

H.J.R. 46. COMMENDING JEFFREY H. NEWMAN FOR DISTINGUISHED SERVICE TO THE MOBILE COMMUNITY.

Also:

**H.J.R. 47. COMMENDING SADIE W. SMITH OF MOBILE, ALABAMA,
FOR DISTINGUISHED PROFESSIONAL ACHIEVEMENT AND SERVICE.**

MCDOWELL LEE
Secretary

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has concurred in and adopted the following House Joint Resolutions and returns same herewith to the House:

**H.J.R. 56. COMMENDING KEITH SWENDENBURG OF ETHELSVILLE,
ALABAMA, FOR OUTSTANDING ACHIEVEMENT AND SERVICE.**

Also:

**H.J.R. 57. MOURNING THE DEATH OF WALTER FREDERICK
EIGENBROD OF HUNTSVILLE, ALABAMA.**

Also:

**H.J.R. 58. COMMENDING J. D. ROBINSON OF NORTH JEFFERSON
COUNTY LODGE # 59, FRATERNAL ORDER OF POLICE.**

Also:

**H.J.R. 59. DESIGNATING "TALK ABOUT PRESCRIPTION MONTH" IN
ALABAMA, AND "ALABAMA PHARMACY WEEK."**

MCDOWELL LEE
Secretary

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has concurred in and adopted the following House Joint Resolutions and returns same herewith to the House:

**H.J.R. 8. COMMENDING JAMES W. HORTON, JR., OF WILMER,
ALABAMA, FOR OUTSTANDING ACHIEVEMENT AND SERVICE.**

Also:

**H.J.R. 9. NAMING THE "HOSEA O. WEAVER BRIDGE" IN SEMMES,
ALABAMA.**

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Also:

H.J.R. 12. COMMENDING BILLY FRED LIPHAM OF NEWELL, ALABAMA, FOR OUTSTANDING HEROISM.

Also:

H.J.R. 17. COMMENDING CAROLYN G. WRIGHT OF EMPIRE, ALABAMA, FOR OUTSTANDING PROFESSIONAL ACHIEVEMENT.

Also:

H.J.R. 23. CONGRATULATING THE ATHENS STATE COLLEGE BEARS ON THE NAIA DISTRICT 27 CHAMPIONSHIP.

Also:

H.J.R. 24. COMMENDING MARIE ANDREWS MCCONNELL, MOBILE'S FIRST LADY FOR 1990.

Also:

H.J.R. 25. COMMENDING ERNEST CARTER FOR DISTINGUISHED SERVICE TO HIS FELLOWMAN.

Also:

H.J.R. 28. COMMENDING JOHN R. WHALEY OF JACKSONVILLE HIGH SCHOOL UPON RECEIVING THE NATIONAL AGRICULTURE TEACHER ASSOCIATION'S YOUNG TEACHER AWARD.

Also:

H.J.R. 30. COMMENDING SAMUEL SANDERS ON THE OCCASION OF HIS RECOGNITION BY FELLOWSHIP PRESBYTERIAN CHURCH OF HUNTSVILLE, ALABAMA.

Also:

H.J.R. 31. COMMENDING ROBERT BURTON ON THE OCCASION OF HIS RECOGNITION BY FELLOWSHIP PRESBYTERIAN CHURCH OF HUNTSVILLE, ALABAMA.

Also:

H.J.R. 32. COMMENDING JOSEPH JOHNSON ON THE OCCASION OF HIS RECOGNITION BY FELLOWSHIP PRESBYTERIAN CHURCH OF HUNTSVILLE, ALABAMA.

**MCDOWELL LEE
Secretary**

BUDGET ISOLATION RESOLUTION OFFERED

Representative Beasley offered the motion to adopt the Budget Isolation Resolution relating to the bill, H. 294.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has concurred in and adopted the following House Joint Resolutions and returns same herewith to the House:

H.J.R. 67. MOURNING THE DEATH OF GERALD CLYDE MINSHEW OF ANNISTON, ALABAMA.

Also:

H.J.R. 68. COMMENDING THE ANNISTON MIDDLE SCHOOL STATE CHAMPION SCHOLARS BOWL TEAM FOR 1991.

Also:

H.J.R. 69. MOURNING THE DEATH OF FLOYD HOWARD GRAY, JR., OF MONTGOMERY, ALABAMA.

Also:

H.J.R. 72. MOURNING THE DEATH OF FRED BURKS OF MOBILE COUNTY, ALABAMA.

Also:

H.J.R. 74 MOURNING THE DEATH OF WILLIE VIRGE LYERLY OF MONTGOMERY, ALABAMA.

Also:

H.J.R. 75. MOURNING THE DEATH OF JOHN RANDOLPH PENTON, JR., OF MONTGOMERY, ALABAMA.

Also:

H.J.R. 77. NAMING THE JAMES I. DAWSON COOPERATIVE EXTENSION BUILDING AT ALABAMA A & M UNIVERSITY.

Also:

**H.J.R. 78. MOURNING THE DEATH OF MRS. SADIE JEAN RASPBERRY
BRYANT OF NEWBERN, ALABAMA.**

MCDOWELL LEE
Secretary

MOTION TO ADJOURN LOST

The motion offered by Representative Holmes that the House adjourn until 10:00 o'clock a.m., Thursday, April 25, 1991, was lost.

Yeas 35; Nays 43.

Yea:

Representatives Barnes, Black (L), Blakeney, Burke, Buskey (JE), Buskey (JL), Cagle, Campbell, Carns, Clark (W), Crow, Dolbare, Flowers, Ford, Grayson, Hall, Hammett, Hogan, Holladay, Holmes, Kennedy, Letson, McClain, Morrow, Morton, Newman, Newton (D), Smith (C), Starkey, Turner, Turnham, Venable, White, Williams and Willis.

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Nay:

Mr. Speaker, Beasley, Biddle, Box, Carothers, Carter, Cullins, Freeman, Gaines, Gaston, Gullatt, Hamilton, Haney, Hawkins, Haynes, Higginbotham, Hill, Holley, Johnson, Knight, Laird, Layson, Lindsey, Mathis, McDaniel, McKee, McMillan, Millican, Newton (C), Parker (T), Payne, Penry, Petelos, Poole, Powell, Rockhold, Rogers (F), Sanderford, Sanderson, Smith (R), Walker, Warren and Zoghby.

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BUDGET ISOLATION RESOLUTION CARRIED OVER

On motion of Representative Beasley, the Budget Isolation Resolution and the bill, H. 294, were temporarily carried over.

MESSAGE FROM THE SENATE

Mr. Speaker:

The President and Presiding Officer of the Senate having signed the following Senate Joint Resolutions, your signature thereto is requested:

S.J.R. 3. COMMENDING WENDELL KENNEL ELLIS OF TUSKEGEE, ALABAMA, FOR OUTSTANDING ACHIEVEMENT IN SCOUTING.

Also:

S.J.R. 4. COMMENDING JARED JEROME CLAY OF TUSKEGEE, ALABAMA, FOR OUTSTANDING ACHIEVEMENT IN SCOUTING.

Also:

S.J.R. 5. COMMENDING KIRK BRACE JONES OF TUSKEGEE, ALABAMA, FOR OUTSTANDING ACHIEVEMENT IN SCOUTING.

MCDOWELL LEE
Secretary

SIGNING OF SENATE JOINT RESOLUTIONS

The Speaker of the House, in the presence of the House, immediately after the titles had been publicly read by the Clerk, the reading at length having been dispensed with by a two-thirds vote of a quorum present, signed the Senate Joint Resolutions, the titles of which are set out in the foregoing Message from the Senate.

ADJOURNMENT

On motion of Representative Holmes and pursuant to the resolution, H.R. 65, heretofore adopted, the House adjourned until 10:00 o'clock a.m., Thursday, April 25, 1991.

FOURTH DAY

**House of Representatives
Montgomery, Alabama
Thursday, April 25, 1991**

The House met pursuant to adjournment.

PRAYER

The session was opened with prayer by Representative Harrell Blakeney.

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Representative Allen Layson.

ROLL CALL

On a call of the roll of the House, the following members answered to their names:

Mr. Speaker, Anderson, Barnes, Beasley, Biddle, Black (L), Black (M), Blakeney, Bowling, Box, Bryant, Bugg, Burke, Buskey (JE), Buskey (JL), Butler, Cagle, Campbell, Carns, Carothers, Carter, Clark (W), Clay, Cosby, Crow, Cullins, Curry, Dolbare, Drake, Escott-Russell, Flowers, Ford, Freeman, Fuller, Gaines, Gaston, Goodwin, Grayson, Gullatt, Hall, Hamilton, Hammett, Haney, Harvey, Hawkins, Haynes, Higginbotham, Hill, Hogan, Holladay, Holley, Holmes, Hooper, Johnson, Kennedy, Knight, Kvalheim, Laird, Layson, Letson, Lindsey, Mathis, McClain, McDaniel, McDowell, McKee, McMillan, Melton, Mikell, Millican, Morrow, Morton, Newman, Newton (C), Newton (D), Parker (P), Parker (T), Payne, Penry, Perdue, Petelos, Poole, Powell, Rich, Richardson, Rockhold, Rogers (F), Rogers (J), Sanderford, Sanderson, Smith (C), Smith (R), Spratt, Starkey, Thomas, Turner, Turnham, Venable, Walker, Warren, White, Williams, Willis and Zoghby.

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A quorum was present.

REPORT OF STANDING COMMITTEE ON RULES

House of Representatives:

Your Standing Committee on Rules begs leave to report that it has carefully examined the Journal of the House for the third legislative day and finds the same to be correct.

TOMMY CARTER
Chairman

On motion of Representative Carter, the reading at length of the Journal of the House for the third legislative day was dispensed with, the Report of the Standing Committee on Rules was concurred in and adopted and the Journal for the third legislative day was approved.

PERMISSION GRANTED

Permission was granted for the Journal to reflect that Representative Millican inadvertently voted "Nay" on passage of the bill, H. 145.

REPORT OF STANDING COMMITTEE ON RULES

Representative Carter, Chairman of the Standing Committee on Rules, reported that said Committee, in session, had acted on the following resolution and ordered same returned to the House with a favorable report:

S.J.R. 13. INVITING UNITED STATES ATTORNEY GENERAL RICHARD L. THORNBURGH TO ADDRESS A JOINT SESSION OF THE ALABAMA LEGISLATURE, IN RECOGNITION OF THE YEAR COMMEMORATING THE BILL OF RIGHTS.

And the resolution, S.J.R. 13, was adopted.

REPORT OF STANDING COMMITTEE ON RULES

Representative Carter, Chairman of the Standing Committee on Rules, reported that said Committee, in session, had acted on the following resolution and ordered same returned to the House with a favorable report, with amendment:

H.J.R. 7. PROVIDING FURTHER FOR EXPENSE ALLOWANCES AND PER DIEM.

The question was then on the adoption of the amendment reported by the Standing Committee on Rules, said committee amendment being as follows:

Amend H.J.R. 7, on page 2, immediately following line 9 by adding the following language:

BE IT FURTHER RESOLVED, That the compensation paid to members of the Legislature shall not be increased during their term of office after the passage of H.J.R. 7. Any future increase in compensation to members of the Legislature shall be set for the succeeding term of office.

AMENDMENT ADOPTED

And the amendment was adopted.

Yeas 42; Nays 22.

Yea:

Mr. Speaker, Anderson, Barnes, Beasley, Black (L), Blakeney, Bryant, Burke, Buskey (JE), Buskey (JL), Campbell, Carothers, Carter, Clark (W), Cosby, Curry, Dolbare, Ford, Freeman, Fuller, Gaston, Hall, Harvey, Haynes, Holley, Johnson, Lindsey, Mathis, McClain, McDowell, Melton, Millican, Rogers (F), Rogers (J), Spratt, Starkey, Thomas, Turner, Venable, Warren, White and Zoghby.

Nay:

Representatives Cagle, Carns, Crow, Cullins, Drake, Goodwin, Gullatt, Hawkins, Higginbotham, Hill, Hogan, McDaniel, McMillan, Morrow, Morton, Parker (P), Parker (T), Powell, Richardson, Smith (C), Smith (R) and Willis.

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RESOLUTION ADOPTED

On motion of Representative Rogers (J), the resolution, H.J.R. 7, as amended, was adopted.

Yeas 33; Nays 31.

Yea:

Mr. Speaker, Anderson, Barnes, Beasley, Black (L), Blakeney, Bryant, Burke, Buskey (JE), Buskey (JL), Campbell, Carothers, Clark (W), Cosby, Dolbare, Freeman, Fuller, Hall, Haney, Kennedy, Lindsey, Mathis, McClain, McDowell, Melton, Rogers (J), Spratt, Starkey, Thomas, Turner, White, Williams and Zoghby.

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Nay:

Representatives Cagle, Carns, Crow, Cullins, Curry, Drake, Goodwin, Gullatt, Harvey, Hawkins, Higginbotham, Hill, Hogan, Holley, Johnson, Layson, McDaniel, McMillan, Millican, Morrow, Morton, Newton (C), Parker (P), Parker (T), Powell, Richardson, Rogers (F), Smith (C), Smith (R), Venable and Willis.

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BILLS ON SECOND READING

Representative Harper, Chairperson of the Standing Committee on Ways and Means, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, with amendment, and it was read a second time and placed on the Calendar, to-wit:

H. 374. (With Amendment): To provide further for the availability of indigent health care, the operation of the medicaid program and the maintenance and expansion of medical services thereunder by imposing a privilege tax upon every provider of pharmaceutical services, except hospital inpatient pharmacies; to provide for collection of such tax and penalties; to provide for appropriations of such funds and their use by the Alabama medicaid agency; to prohibit the reduction or elimination of revenues resulting from this act which are applied to certain

medicaid covered services or other enhancements; to require the timely payment by the Alabama medicaid agency of reimbursement due pharmaceutical providers; to provide that the provisions of this act shall remain effective only so long as adequate federal financial participation is available; and to authorize the department of revenue to adopt regulations as necessary to administer collection of the tax.

Representative Harper, Chairperson of the Standing Committee on Ways and Means, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, and they were severally read a second time and placed on the Calendar, to-wit:

H. 375. To provide for the creation of the Alabama Health Care Trust Fund in the state treasury; to appropriate monies in the fund to the Alabama medicaid agency; to provide that monies in the fund shall not revert to the general fund but shall be carried forward into each succeeding fiscal year; and to limit the reduction of appropriations to the medicaid agency from the general fund.

H. 376. To provide further for the availability of indigent health care, the operation of the medicaid program and the maintenance and expansion of medical services thereunder by imposing a privilege tax upon every nursing facility which has an agreement to participate in the Alabama medicaid program; to provide for collection of such tax and penalties; to provide for appropriations of such funds and their use by the Alabama medicaid agency; to require the timely payment by the Alabama medicaid agency of reimbursement due nursing facilities; to prohibit the reduction or elimination of revenues resulting from this act which are applied to certain medicaid covered services or other enhancements; to provide that the provisions of this act shall remain effective only so long as adequate federal financial participation is available; and to authorize the department of revenue to adopt regulations as necessary to administer collection of the tax.

H. 377. To provide further for the availability of indigent health care, the operation of the medicaid program and the maintenance and expansion of medical services thereunder by imposing a privilege tax upon every disproportionate share hospital in the state; to provide for collection of such tax and penalties; to provide for appropriations of such funds and their use by the Alabama medicaid agency; to provide for reimbursement of certain costs incurred by disproportionate share hospitals; to require the timely payment by the Alabama medicaid agency of disproportionate share payments due hospitals; to prohibit the reduction or elimination of revenues resulting from this act which are applied to certain medicaid covered services or other enhancements; to provide that the provisions of this act shall remain effective only so long as adequate federal financial participation is available; and to authorize the department of revenue to adopt regulations as necessary to administer collection of the tax.

Representative Harper, Chairperson of the Standing Committee on Ways and Means, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, with substitute, and it was read a second time and placed on the Calendar, to-wit:

H. 229. (With Substitute): To make supplemental appropriations to the

Alabama Department of Economic and Community Affairs in the amount of Eight hundred forty-four thousand dollars (\$844,000) for the fiscal year ending September 30, 1991.

Representative Harper, Chairperson of the Standing Committee on Ways and Means, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, and they were severally read a second time and placed on the Calendar, to-wit:

H. 281. To appropriate the sum of \$860,000.00 from the Alabama Special Educational Trust Fund to the State Department of Education for the fiscal year ending September 30, 1991.

H. 380. To amend Section 2(C)(111) of Act 90-764 of the 1990 Regular Session so as to provide for the retention of inspection and supervision fees to meet the financial responsibilities of the Public Service Commission.

H. 109. To amend Sections 36-7-20 and 36-7-22 of the Code of Alabama 1975 so as to provide for the per diem allowance and mileage allowance for persons traveling on state business.

H. 82. To amend Section 40-28-2 of the Code of Alabama 1975, relating to the distribution of in-lieu-of-taxes payments by T.V.A., so as to further provide for certain non-T.V.A. dry counties which elect to sell alcoholic beverages within their jurisdiction.

H. 83. To further amend Section 40-12-244 of the Code of Alabama 1975, relating to certain motor vehicle privilege or license tax exemptions for disabled veterans so as to allow them to purchase additional tags for their passenger vehicles.

H. 370. To amend certain sections in Title 40 of the Code of Alabama 1975, relating to crimes and offenses committed by employees of the Department of Revenue for violations of revenue and taxation statutes, regulations and procedure requiring confidentiality of information and certain exclusions therefrom; to amend Section 40-18-52, Code of Alabama 1975, to increase the punishment for violation of the confidentiality of income tax returns and income tax information and to amend Section 40-1-33, Code of Alabama 1975, so as to increase the punishment for violation of the confidentiality of all tax returns and information secured by the Department of Revenue; to amend Section 40-1-33, Code of Alabama 1975, to provide for the promulgation of rules and regulations permitting the exchange of tax information with other federal, state, county and municipal government tax agencies and associations of state tax agencies; and to specifically repeal Sections 40-23-29 (relating to confidentiality of sales tax returns), 40-23-84 (relating to confidentiality of use tax returns), 40-14-57 (relating to confidentiality of franchise tax returns), and 40-17-202 (relating to confidentiality of carriers and warehouse returns) of the Code of Alabama 1975 since those provisions would be duplicative of Section 40-1-33, Code of Alabama 1975.

H. 371. To amend Section 40-23-68 of the Code of Alabama 1975, to require out-of-state businesses with Alabama nexus to collect and report Alabama Use Tax

on their sales to Alabama customers, and to provide for an effective date.

H. 183. To establish an Act relating to preschool special education services for children with disabilities, ages 3 through 5 years, inclusive; to provide a free appropriate public education for preschool children with disabilities, ages 3 through 5 years, inclusive, in accordance with the Individuals with Disabilities Education Act, previously known as the "Education of the Handicapped Act," Public Law 91-230 and all amendments thereto.

H. 278. To establish an act relating to early intervention services for infants and toddlers with disabilities, and their families; to establish a state interagency coordinating council; to establish the responsibilities of the lead agency and authorize it to implement Part H of Public Law 99-457 in conjunction with the participating agencies and providers; to provide timetables for implementation of a statewide, comprehensive, interagency, coordinated system of early intervention services; and for related purposes.

Representative Harper, Chairperson of the Standing Committee on Ways and Means, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, with amendment, and it was read a second time and placed on the Calendar, to-wit:

H. 279. (With Amendment): To provide for immunity for certain persons responding to certain oil spills.

Representative Harper, Chairperson of the Standing Committee on Ways and Means, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, and it was read a second time and placed on the Calendar, to-wit:

H. 327. To amend Section 15-9-62, Code of Alabama 1975, which relates to the payment of expenses incurred in the extradition of prisoners, so as to increase the mileage allowance.

Representative Harper, Chairperson of the Standing Committee on Ways and Means, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, with amendment, and it was read a second time and placed on the Calendar, to-wit:

H. 432. (With Amendment): To create the "Alabama Clean Indoor Air Act," to protect the public health, comfort and environment and promote the above by reducing involuntary exposure to tobacco smoke in public places.

Representative Harper, Chairperson of the Standing Committee on Ways and Means, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, and it was read a second time and placed on the Calendar, to-wit:

H. 354. To amend §40-17-31 (a) and §40-17-171, Code of Alabama, 1975, to provide that purchases of gasoline and lubricating oil by city and county boards of education, the Alabama Institute for Deaf and Blind, and the Department of Youth

Services School District shall be exempt from taxation under the levy provided for in §40-17-31 (a) and §40-17-171, Code of Alabama, 1975.

Representative Higginbotham, Chairperson of the Standing Committee on Judiciary, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, with substitute, and it was read a second time and placed on the Calendar, to-wit:

H. 121. (With Substitute): Relating to the George Wallace, Jr., linked deposits plan pursuant to chapter 21, Title 5, Code of Alabama 1975; to amend Sections 5-21-2, 5-21-3, 5-21-4 and 5-21-11, Code of Alabama 1975, so as to expand the plan to include discretionary emergency interim deposits to support loans made for property loss due to natural or man-made disasters; to provide further for definitions and legislative intent; to authorize such emergency deposits and define the term in interest rate of such deposits and to extend the plan to September 30, 1995.

Representative Higginbotham, Chairperson of the Standing Committee on Judiciary, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, and they were severally read a second time and placed on the Calendar, to-wit:

H. 67. To amend Section 13A-5-40, Code of Alabama 1975, which provides for capital offenses, so as to include murder committed while trafficking in controlled substances as a capital offense.

H. 194. To amend Section 14-9-41 of the Code of Alabama 1975, which relates to computation of incentive time deductions, so as to allow an inmate who has been sentenced to a term of 15 years or less in the state penitentiary to earn correctional incentive time in accordance with the other provisions of this section.

H. 100. To adopt and incorporate into the Code of Alabama 1975 those general and permanent laws of the state enacted during the 1989 Special Session and the 1990 Regular Session of the Legislature, as contained in the 1990 Cumulative Supplement to certain volumes of the Code and in the 1990 Replacement Volume 14 of the Code; and to make corrections in certain volumes of such cumulative supplement.

H. 101. To repeal Section 29-1-18 of the Code of Alabama 1975, which limits the number of members of a standing committee of the house of representatives to 15.

Representative Higginbotham, Chairperson of the Standing Committee on Judiciary, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, with amendment, and they were severally read a second time and placed on the Calendar, to-wit:

H. 156. (With Amendment): To amend Sections 27-26-5 and 34-24-56, Code of Alabama 1975, relating to the reporting of medical malpractice judgments and settlements, so as to provide further for the reporting of judgments and

settlements entered against professional corporations.

H. 35. (With Amendment): To amend Section 13A-12-231, Code of Alabama 1975, which provides for the offense of trafficking in illegal drugs, so as to include amphetamine and methamphetamine within the offense.

H. 49. (With Amendment): To authorize parents, foster parents, custodial parents, legal guardians, teachers, principals, guidance counselors, guidance advisors and attendance officers to administer corporal punishment to their respective child, ward or pupil and to provide said persons shall be immune from civil and criminal liability.

H. 155. (With Amendment): To require that the State Board of Pharmacy establish and periodically update a published list of precursor chemicals which are essential to the manufacture of unlawful controlled substances; to establish an interim list of such chemicals; to enact registration, reporting, and record-keeping requirements for individuals who manufacture, buy, sell, transfer, transport, receive, possess, or otherwise furnish such listed precursor chemicals, under the direction and supervision of the Board of Pharmacy; to make unlawful the possession of listed precursor chemicals with knowledge or intent that the same will be used in the unlawful manufacture of controlled substances; to empower the Board of Pharmacy to adopt reasonable rules and regulations to effect the purposes of the act, and to charge reasonable fees for the registration of listed precursor chemical transactions; and to provide penalties for violation of the act.

H. 319. (With Amendment): Provides for the appointment of a private non-profit corporation by the courts to serve as guardian or conservator or both for persons who are developmentally disabled. Establishes further qualifications for such organizations to be appointed and designates the Alabama Department of Mental Health/Mental Retardation to develop guidelines for the activities of those corporations appointed as Guardian or Conservator for a person with developmental disabilities.

Representative Higginbotham, Chairperson of the Standing Committee on Judiciary, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, and they were severally read a second time and placed on the Calendar, to-wit:

H. 119. To authorize the department of revenue to promulgate through the provisions of the Alabama Administrative Procedures Act, rules and regulations relating to enforcement of statutes dealing with issuance of licenses as provided for by Chapter 12 of Title 40, Code of Alabama 1975.

H. 120. To amend Sections 40-1-33, 40-12-390, 40-12-391, 40-12-392, 40-12-394, 40-12-396, 40-12-398 and 40-12-414, Code of Alabama 1975, relating to automotive vehicle dealers, so as to exclude certain license information from general confidentiality provisions, provide further for revocation and denial of licenses, define certain terms, provide further for requiring certain business licenses, increase the surety bonds, increase the penalty for noncompliance, authorize the revenue department to promulgate rules and regulations and to repeal Section 40-12-52, Code of Alabama 1975, which requires a privilege license for

automobile salesmen.

H. 391. To provide for the creation of a comprehensive statutory formulation of personal property leasing laws including the formation and construction, effect and performance of a lease contract; default by the lessor and lessee and general provisions. To amend Sections 7-1-105 of the Code of Alabama 1975, so as to include this act; to amend Section 7-1-201 of the Code of Alabama 1975, so as to revise the definition of "security interest"; to amend Section 7-9-113 of the Code of Alabama 1975, so as to include security interest arising under this act; to amend Sections 35-4-54 and 35-4-94 of the Code of Alabama 1975 so as to exclude leases; and to provide that this act will become effective January 1, 1992.

Representative Thomas, Chairperson of the Standing Committee on State Administration, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, and they were severally read a second time and placed on the Calendar, to-wit:

H. 159. Relating to the Alabama Sunset Law; to continue the existence and functioning of the board of examiners of landscape architects with certain modifications; to amend the following sections of the Code of Alabama 1975, for the purposes stated: Section 34-17-5, to authorize disciplinary actions by the board for violations of chapter 17, Title 34, and rules and regulations of the board; Section 34-17-20, to require a program of continuing education; Section 34-17-21, to require applicants to have completed certain educational or practical requirements prior to applying for certification by the board and to provide further for temporary certificates of the board; and Section 34-17-25, to provide further for certain fees of the board.

H. 160. Relating to the Alabama Sunset Law; to continue the existence and functioning of the board for registration of architects with certain modifications; to amend the following sections of the Code of Alabama 1975, for the purposes stated: section 34-2-33 to provide a grace period for renewal of licenses in order to avoid a penalty payment; section 34-2-34 to authorize the board to issue reprimands and levy administrative fines for violation of chapter 2, Title 34 or the rules and regulations of the board and to provide an appeal procedure for such disciplinary actions; section 34-2-39 to require a program of continuing education; and section 34-2-40 to provide that the secretary of the board may be a licensee of the board.

H. 162. Relating to the Alabama Sunset Law; to continue the existence and functioning of the polygraph examiners board with certain modifications; to amend the following sections of the Code of Alabama 1975, for the purposes stated: 34-25-36 to make fees apply to all governmental polygraph examiners and to provide further for certain fees; and 34-25-29 to provide for a mandatory continuing education program by the board.

H. 163. Relating to the Alabama Sunset Law; to continue the existence and functioning of the state board of occupational therapy with certain modifications; to amend the following sections of the Code of Alabama 1975, for the purposes stated: 34-39-14 to provide further for the assessment and collection of costs relating to hearings of the board which result in the suspension, revocation or

refusal to issue a license; 34-39-16 to provide further for the hearing of evidence and appeal process for hearings and actions of the board; and 41-20-3 to provide that the board shall be an enumerated state agency under the state sunset statute and to delete references to enumerated agencies which are no longer in existence.

H. 165. Relating to the Alabama Sunset Law; to continue the existence and functioning of the hearing aid dealers licensing board with certain modifications; to amend the following sections of the Code of Alabama 1975, for the purposes stated: 34-14-1 to provide further definitions regarding apprentice permits and hearing aid fitters and dispensers; 34-14-2 to require retail sellers of hearing aids to have a licensed dispenser on their staff; 34-14-3 and 34-14-4 to provide further for licensing requirements of dispensers and fitters; 34-14-6 to provide further for the license renewal fees for fitters and dispensers; 34-14-7 to provide for the requirements and issuance of an apprentice permit; 34-14-8 to allow notices of the state board to be mailed to licensees; 34-14-9 to provide for complaints and disciplinary actions against apprentices; 34-14-10 to require certain information on the receipt of sale of hearing aids; 34-14-11 and 34-14-30 to provide further for the membership and powers of the state board.

H. 166. Relating to the Alabama Sunset Law; to continue the existence and functioning of the state board of registration for professional engineers and land surveyors, with certain modifications; to amend the following sections of the Code of Alabama 1975, for the purposes stated: 34-11-8 to increase individual license fees to require a continuing education program for individual licensees of the board and to prescribe a late renewal penalty for corporate licensees; 34-11-9 to require corporate licensees to obtain approval of their corporate charter prior to obtaining a corporate certificate of license and 34-11-36 to provide for the position of assistant executive director.

H. 325. To amend Sections 12-17-220 and 36-26-10, Code of Alabama 1975, relating to certain employees within the district attorneys' offices and the State Merit System, so as to provide that assistant district attorneys, investigators, clerical, secretarial and other personnel employed in a district attorney's office serve at the pleasure of the district attorney and are in the exempt service of the state and to provide for its retroactive effect.

Representative Carothers, Chairperson of the Standing Committee on Health, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, with amendments, and it was read a second time and placed on the Calendar, to-wit:

H. 330. (With Amendments): To authorize the establishment of watershed management authorities; to express legislative intent; to define relevant terms; to specify the purposes of said authorities; to regulate the land which may be included in an authority; to provide the method for creating an authority; to provide for a hearing prior to creation; to create a board of directors to govern the authority and provide for the method of appointing or electing said board and their successors; to provide for the terms of office of board of directors members and the method of filling vacancies; to provide procedures for the operation of the board of directors; to provide for the reimbursement of expenses incurred by board members; to provide for the powers and duties of the board of directors; to

authorize the issuance of bonds; to provide for the discontinuance of an authority and the assumption of assets; to provide for annual audits; to provide officers and employees of the authority shall be subject to the state code of ethics; to authorize full-time employees of the authority to join the employees' retirement system and receive health insurance and other benefits; to provide an authority shall be subject to competitive bid laws and to exempt an authority from certain taxes.

Representative Carothers, Chairperson of the Standing Committee on Health, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, and they were severally read a second time and placed on the Calendar, to-wit:

H. 7. To amend Section 22-14-5, Code of Alabama 1975, as amended, relating to the composition of the radiation advisory board, so as to include the appointment of a veterinarian; and to provide for the manner of such appointment.

H. 410. To create the Alabama Health Assurance Trust Fund and the Alabama Health Assurance Board for the purpose of establishing a plan of health care coverage for working Alabamians whose employers do not provide health care insurance, and for those who are temporarily unemployed and have no health care insurance.

H. 167. To require the State Department of Education of Alabama to implement into its public health education program for required use in public school systems instruction which emphasizes sexual restraint and the dangers and harm of using illegal drugs. To declare the findings and purpose of the Alabama Legislature regarding specific health problems of school children. To state the minimum requirements of the contents to be required in such public health education program. To establish standards of conduct which prohibit illegal drug use for employees and children within the schools.

H. 287. To address the nursing shortage affecting the Alabama Department of Public Health in rural areas by providing for loans for books, tuitions, fees, and other educationally-related expenses incurred by employees of the Alabama Department of Public Health attending nursing school on a part-time or full-time basis; to require such loan recipients to enter into a contract committing them to work as nurses full-time for the health department or for a federally-funded community health center in a rural area or underserved area of the state for at least four years; to provide for forgiveness of such loans for recipients who serve the health department in rural or underserved areas; to provide civil penalties for loan recipients who fail to honor the contract; to provide for full-time or part-time employment for such recipients while attending school.

Representative Carothers, Chairperson of the Standing Committee on Health, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, with amendment, and it was read a second time and placed on the Calendar, to-wit:

H. 103. (With Amendment): To be known as the Alabama alcoholic beverage control code; to regulate and control transactions in alcoholic beverages which

take place in Alabama by alcoholic beverage control board; to provide for an alcoholic beverage control board; to regulate and control transactions in alcoholic beverages which take place in Alabama and to prohibit such transactions except by and under the control of the board; to restrict the effect of the Code to wet counties and wet municipalities; to provide for the administration, functions, powers and regulations of, and for receipt, disposition and use of profits of the board; to provide for the appointment, term of office, suspension, removal, compensation, costs and expenses of such board and its members, officers, agents and employees, and its administrator; to provide for the management and operation of and sales by state liquor stores; to provide for and fund an inventory fund for the board; to create a cost of evidence fund and provide for use thereof; to authorize licensing to engage in alcoholic beverage transactions, and provide for regulation for, and issuance and renewal of, and regulation of the grant of licenses; to impose and levy state, and authorize and limit county and municipal, filing and license fees for engaging in manufacture, import, warehousing, wholesale or retail sale of or transactions in alcoholic beverages; to proscribe unlawful acts and offenses and provide for punishment therefor; to prescribe penalties for any violation of the Code or any rule or regulation promulgated by the board and to provide punishment and alternate punishment therefor, including suspension or revocation of licenses and fines against licensees; to provide for non-taxable sales; to provide for refund on overpayment or erroneous payment on taxes and licenses to the board or any county or municipality; to provide penalties for failure to pay taxes collected and for execution for unpaid taxes and penalties; to provide for identification of certain alcoholic beverages and penalties for possession of unidentified alcoholic beverages and for the counterfeit or reuse of Alabama identification; to provide for licensee reports, records and inspections; to provide for confiscation of unidentified alcoholic beverages and vehicles used for transportation of unidentified alcoholic beverages and for the procedure for confiscation; to provide for an election to determine classification of county as wet or dry county; to provide for special method referendum to determine classification of county as wet or dry county and to impose conditions governing sales under special method; to provide for municipal option election to determine classification of municipalities as wet or dry municipalities; to provide for the separation of business interests and exclusive sales territories; to provide for regulation of advertising alcoholic beverages; to define terms and to establish a legal drinking age; to repeal Chapters 1, 2, 2A, 3A, 6 and 8, and Chapter 3 except sections 28-3-184, 28-3-190, 28-3-200 through 205, inclusive, 28-3-280, 28-3-281 and 28-3-284, and Chapter 7 except section 28-7-16, Title 28, Code of Alabama 1975, as amended, and all other conflicting or inconsistent laws or parts of laws, but shall not repeal or amend Title 28, Chapter 9, Code of Alabama 1975, as amended; to amend Title 28, Chapter 4, Code of Alabama 1975, to make the same consistent with the provisions of this Code; and to provide that the Code shall become effective on October 1, 1991.

Representative Carothers, Chairperson of the Standing Committee on Health, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, and they were severally read a second time and placed on the Calendar, to-wit:

H. 95. To amend Sections 22-21-20 and 22-21-27 of the Code of Alabama 1975, relating to licensing of hospitals, nursing homes and other health care

institutions so as to include hospices; and to provide further for the composition of the advisory board and the power of certain board members.

H. 99. To amend section 22-21-5 of the Code of Alabama 1975, to grant to public bodies organized under the said section the powers of health care authorities organized under Article 11 of chapter 22 of the Code of Alabama 1975.

H. 295. To amend Section 36-21-8, Code of Alabama 1975, relating to certain law enforcement officers retaining their badge and pistol as part of retirement benefits, to include certain law enforcement officers who are employees of the state forestry commission.

Representative Carothers, Chairperson of the Standing Committee on Health, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, with substitute, and it was read a second time and placed on the Calendar, to-wit:

H. 357. (With Substitute): To amend Section 11-88-5 of the Code of Alabama 1975, as amended, relating to the authorization and procedure for amendment of the certificate of incorporation of water, sewer and fire protection authorities so as to permit changes in the number of directors of such authorities to any odd number thereof that the board shall deem appropriate, and to provide that the total number of directors of any such authority shall be not less than three or more than nine; to validate the membership of the boards of directors of all such authorities as are presently in existence; and to provide an effective date.

Representative Carothers, Chairperson of the Standing Committee on Health, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, and it was read a second time and placed on the Calendar, to-wit:

H. 288. Providing for the permitting and regulation of persons, firms, associations and corporations engaged in the alarm systems business in this state under the regulatory authority of the state fire marshal; authorizing the state fire marshal to prescribe fees for certain permits and identification cards related to such business; prescribing penalties for enforcement and providing procedures for the administration of this act.

Representative Carothers, Chairperson of the Standing Committee on Health, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, with substitute, and they were severally read a second time and placed on the Calendar, to-wit:

H. 153. (With Substitute): To add a Section 34-23-75, Code of Alabama 1975, Alabama Pharmacy Practice Act, which would allow licensed pharmacists to refill a prescription for up to a 72 hour supply, when they are unable to obtain refill authorization from the prescriber.

H. 292. (With Substitute): To amend Section 34-23-1, and 34-23-32, Code of Alabama 1975, which requires the annual registration of drug manufacturers with the state board of pharmacy, so as to likewise require wholesale distributors of

drugs to register annually with said board, and to increase the board's fee for permits and renewals of permits.

Representative Parker (P), Chairperson of the Standing Committee on Education, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, and they were severally read a second time and placed on the Calendar, to-wit:

H. 438. To propose an amendment to the Constitution of Alabama of 1901, to provide that the Legislature shall establish and maintain an adequate and efficient system of public education, and to further provide that public education is an essential function of state government.

The above bill was read a second time at length as required by the Constitution.

H. 11. Relating to Athens State College; to repeal Act No. 81-153, S. 392, Regular Session, 1981 (Acts 1981, p. 176), which consolidated the administration of Athens State College and John C. Calhoun Community College; to re-establish two autonomous administrations; and to provide for the appointment of presidents of the colleges, the jurisdictions and operations.

Representative Lindsey, Chairperson of the Standing Committee on Agriculture, Forestry and Natural Resources, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, and they were severally read a second time and placed on the Calendar, to-wit:

H. 53. To amend Section 9-11-236, Code of Alabama 1975, as last amended, relating to the hunting, taking, catching, capturing, or killing of, or the possession of, certain protected birds or animals during closed hunting season, so as to further prohibit the possession thereof; to provide for certain specific prohibitions and penalties relating to hunting, taking, catching, capturing, killing, or the possession of, wild turkey; and to expressly repeal Section 9-11-239, Code of Alabama 1975, relating to the hunting, pursuit, capture, or killing of certain wild turkey and deer.

H. 77. To amend Section 2-5-4, Code of Alabama 1975, relating to the administrator of the farmers' market authority, so as to authorize him to appoint and set the salary of a secretary within or without the merit system.

H. 138. To provide for a special lifetime hunting, fishing, and combination license for sixty-four year old residents.

H. 368. To appropriate from the general fund of the state treasury the sum of \$1,000,000.00 for the fiscal year ending September 30, 1991, to the Department of Agriculture and Industries Agricultural Development Services Program which sum shall be allocated to the Boll Weevil Eradication Foundation for use in boll weevil eradication; to provide that such appropriation shall be supplemental.

H. 362. To expressly repeal Section 9-11-49.2, Code of Alabama 1975,

relating to treatment of certain nonresident individual Alabama property owners as Alabama residents for the purpose of procuring certain hunting licenses.

H. 365. To provide for and require a "commercial party boat" license for certain fishing boats; to provide that persons fishing on said boats may do so and may land certain fish, without a fishing license; to provide for the application for and issuance of said licenses; to prohibit the transfer of, borrowing of, lending of or alteration of, said licenses; to prohibit the back-dating of said licenses; to provide for an annual expiration date for said licenses; to provide misdemeanor penalties for the violation of this act; to provide for the remittance of and use of license revenues; and to provide for an effective date of this act.

Representative McDowell, Chairperson of the Standing Committee on Constitution and Elections, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, and they were severally read a second time and placed on the Calendar, to-wit:

H. 352. To amend Section 17-8-25, Code of Alabama 1975, relating to the number of ballots to be provided for each voting place, so as to decrease the required number.

H. 389. To amend Section 29-2-51 of the Code of Alabama 1975, relating to the permanent legislative committee on reapportionment so as to provide further for additional at-large members.

Representative Hooper, Chairperson of the Standing Committee on Commerce, Transportation and Utilities, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, and they were severally read a second time and placed on the Calendar, to-wit:

H. 367. To authorize the State Industrial Development Authority to sell and issue, from time to time, up to \$100,000,000 in principal amount of its bonds in addition to those heretofore authorized to be issued by it, provided not more than \$10,000,000 in aggregate amount shall be issued in any two-year period and not more than \$40,000,000 in aggregate principal amount shall be outstanding at any one time; to expand certain powers and duties of the Authority, including the power to make grants from the proceeds of the said additional bonds to certain grantees, subject to certain limitations, for the purpose of paying costs of preparation of sites for use by certain enterprises; to provide that the Authority may issue and sell such bonds for the purpose of making the said grants; to provide for the execution, form and terms of such bonds and for the terms of sale thereof; to provide that such bonds and the income therefrom shall be exempt from taxation, that such bonds may be used to secure deposits of funds of the state and its political subdivisions, instrumentalities and agencies, shall be legal for investment of fiduciary funds and funds of the Teachers' Retirement System of Alabama, the Employees' Retirement System of Alabama, and the State Insurance Fund, and shall not create an obligation or debt of the state; to provide for the deposit, investment and disposition of the proceeds of the sale of the bonds of the Authority; to make an appropriation and pledge of funds from the special tax levied by Sections 40-25-2 and 40-25-23, Code of Alabama 1975, to the extent

necessary to pay the principal of and interest on bonds of the Authority; to authorize the Authority to pledge the funds so appropriated for the payment of the principal of and interest on its bonds; to provide that such principal and interest shall be payable solely from the funds so appropriated; and to provide that the state treasurer shall be the custodian of the funds of the Authority.

H. 78. To amend Sections 8-20-4, 8-20-5, 8-20-7, 8-20-9 and 8-20-11, Code of Alabama 1975, which relate to the Motor Vehicle Franchise Act, so as to provide further for unfair and deceptive trade practices, terminations and nonrenewals of franchise relationships, the warranty obligations to dealers and the amount of civil damages.

Representative Hooper, Chairperson of the Standing Committee on Commerce, Transportation and Utilities, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, with amendments, and it was read a second time and placed on the Calendar, to-wit:

H. 118. (With Amendments): To provide for licensure and regulation of the home building industry; to provide for examination and issuance of licenses; to provide for the Home Builders Licensure Board; to provide for licensing fees and penalties for violations; to authorize said board to prescribe administrative rules and regulations; to provide for revocation of licenses; to prescribe appellate procedure for board decisions and to exempt certain persons and entities from this act.

Representative Hooper, Chairperson of the Standing Committee on Commerce, Transportation and Utilities, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, and they were severally read a second time and placed on the Calendar, to-wit:

H. 378. To require that an applicant who offers himself to vote at a polling place to show some form of identification that he is the person on that polling place's list of qualified voters; to require the election official to check if an applicant to vote has already voted by absentee ballot; to prohibit a person from voting more than once in the same election; to prohibit the use of false identification to vote when or where an individual is not qualified; and to provide for criminal penalties for election officials and other persons who violate the provisions of this act.

H. 33. To amend Section 37-3-4, Code of Alabama 1975, so as to include certain motor carriers who transport certain property in open-top dump vehicles to the exemptions contained therein.

Representative Hooper, Chairperson of the Standing Committee on Commerce, Transportation and Utilities, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, with amendment, and they were severally read a second time and placed on the Calendar, to-wit:

H. 411. (With Amendment): To provide for a means to safeguard the public against injury and loss of life or the interruption of public services caused by damage to various underground facilities by communicating and coordinating adequate prior notification of excavation or demolition activities that might damage or interrupt services provided by certain underground facilities; to prohibit certain activities without first having ascertained the location of any potentially affected underground facilities; to prescribe procedures for notification of an intent to undertake certain activities; to prescribe certain activities to be included in an underground damage prevention program; to authorize formation of a public corporation for a statewide "One-Call Notification System" and to provide for its directors, powers and general administrative procedures; to prescribe procedures for response to both emergency and routine notification and for reporting damage resulting from certain activities; to prescribe civil penalties for violations and exceptions to such penalties; to provide for the liberal construction and severability of any part of this act and to provide that this act shall become effective on January 1, 1992.

H. 24. (With Amendment): To amend Section 6-5-332.1, Code of Alabama 1975, relating to immunity from liability for certain persons assisting in mitigating the effects of a hazardous waste discharge, so as to include members of emergency planning groups within such immunity.

Representative Hooper, Chairperson of the Standing Committee on Commerce, Transportation and Utilities, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, and it was read a second time and placed on the Calendar, to-wit:

H. 85. Relating to immunity from civil liability while in volunteer service without compensation for a nonprofit organization or corporation or governmental entity; to provide that any public or community service volunteer without compensation shall be immune from civil liability in any civil action on the basis of any act or omission of such volunteer resulting in damage or injury if said volunteer was acting in good faith within the scope of his official functions and such damage or injury was not caused by willful and wanton misconduct; to provide that the responsibility of an established act or omission of a volunteer shall be the responsibility of the principal organization under the doctrine of "respondeat superior"; and to provide for certain exceptions in the event of a motor vehicle accident where the volunteer is negligent and is covered by insurance.

Representative Gullatt, Chairperson of the Standing Committee on Local Government, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, and it was read a second time and placed on the Calendar, to-wit:

H. 196. Proposing an amendment to the Constitution of Alabama of 1901, creating the Alabama Stadium and Exposition District, defining its boundaries, objects, purposes, powers, duties and authority; and providing for the construction, financing, maintenance and operation of the facilities of said District and the administration and government thereof.

The above bill was read a second time at length as required by the Constitution.

Representative Gullatt, Chairperson of the Standing Committee on Local Government, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, with substitute and amendment, and it was read a second time and placed on the Calendar, to-wit:

H. 111. (With Substitute) (With Amendment): To provide that no adult having control of a residence shall allow an open house party in certain instances; to provide certain exceptions; to provide certain penalties and to provide for a particular effective date.

Representative Gullatt, Chairperson of the Standing Committee on Local Government, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, and they were severally read a second time and placed on the Calendar, to-wit:

H. 175. Proposing an amendment to Amendment No. 425 to the Constitution of Alabama 1901, ratified on November 17, 1982, relating to mode of adoption of proposed constitutional amendments affecting only one county, so as to provide further for the mode of adopting such amendments affecting only one county under certain conditions.

The above bill was read a second time at length as required by the Constitution.

H. 173. To amend Sections 11-43-41 and 11-43-42, Code of Alabama 1975, relating to the procedure for filling vacancies in the offices of certain city officials, so as to provide further for such procedure.

Representative Fuller, Chairperson of the Standing Committee on Military Affairs, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, and it was read a second time and placed on the Calendar, to-wit:

H. 90. To provide that certain persons who were residents of the State of Alabama and deployed to the Persian Gulf War shall be given credit for tuition paid at any public institution of higher education, four-year college, junior college, vocational or technical school operated by the State of Alabama prior to such deployment.

Representative Fuller, Chairperson of the Standing Committee on Military Affairs, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, with amendment, and they were severally read a second time and placed on the Calendar, to-wit:

H. 106. (With Amendment): To require all public schools to designate a time each school day for the Pledge of Allegiance to the flag of the United States.

H. 54. (With Amendment): To amend section 31-2-13, Code of Alabama 1975, relating to paid leave of absence for military duty for up to 21 working days per year, so as to authorize public and private employers to extend paid leave and benefits for its employees beyond said 21 day limit, and to retroactively validate and authorize any such action taken by an employer on or after October 1, 1990, by making the effective date of this act retroactive to October 1, 1990.

Representative Fuller, Chairperson of the Standing Committee on Military Affairs, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, and they were severally read a second time and placed on the Calendar, to-wit:

H. 52. To amend Sections 32-6-290, 32-6-291 and 32-6-292, Code of Alabama 1975, relating to the issuance of distinctive "retired military" motor vehicle license plates by certain qualified military retirees, so as to authorize the surviving spouse of a deceased military retiree to purchase such license plates.

H. 66. To amend Section 31-2-13, Code of Alabama 1975, regarding paid leave for military service for up to 21 working days per year; so as to authorize certain public employers, in their discretion, to extend such paid benefits as herein provided for combat duty retroactive to October 1, 1990, for service in the Persian Gulf conflict or war.

Representative Ford, Chairperson of the Standing Committee on Tourism, Entertainment and Sports, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, with substitute and amendments, and it was read a second time and placed on the Calendar, to-wit:

H. 366. (With Substitute) (With Amendments): To amend Chapter 65 of Title 11 of the Code of Alabama 1975, which relates to horse racing and pari-mutuel wagering thereon in Class 1 municipalities, for the following purposes: to make certain legislative findings concerning the experience of the state's only Class 1 municipality with horse racing and pari-mutuel wagering thereon and the economic desirability of authorizing greyhound racing and pari-mutuel wagering thereon in a Class 1 municipality (now defined by statute to be a city with a population of 300,000 inhabitants or more as certified by the 1970 decennial census); to define the particular terms to be used in said Chapter 65 as amended by this act; to authorize a Class 1 municipality (the "sponsoring municipality") to incorporate a racing commission with power to license and regulate horse racing and pari-mutuel wagering thereon or greyhound racing and pari-mutuel wagering thereon or both; to provide that a racing commission incorporated pursuant to said Chapter 65 will be subject to the jurisdiction of the state ethics commission; to define a host county for a racing commission as the county in which a majority of the residents of the sponsoring municipality reside and to provide that a racing commission incorporated for a sponsoring municipality will have power to license and regulate racing and wagering activities only in the part of such sponsoring municipality that is located in the host county; to provide for elections in the host county to authorize the incorporation of a racing commission and to determine the powers thereof; to amend said Chapter 65 concerning the appointment of certain members of a racing commission and the appointment of deputy members by

certain members; to provide alternative arrangements for the appointment of the treasurer of a commission; to amend said Chapter 65 concerning the powers and duties of a racing commission and to impose certain limitations on such powers and duties respecting the confidentiality of information pertaining to a licensed operator and the rights of such operator to conduct its business under the supervision of the commission; to provide conditions relating to the award and use of licenses for horse racing, greyhound racing and pari-mutuel wagering thereon; to authorize retroactively and ratify the action of an existing racing commission in entering into a contract to grant a prospective licensee a license for greyhound racing and pari-mutuel wagering thereon prior to the legislative enactment of the commission's authority to grant such license; to modify the provisions of said Chapter 65 respecting a license to own or use a horse racing facility; to modify the application and review procedure for granting an operator's license to reflect the additional power and duty of a commission to license and regulate greyhound racing and pari-mutuel wagering thereon; to modify the terms of an operator's license concerning its periodic review and revocation, the allowance of successive three year renewal terms after the initial term of 20 years, and the scheduling and conducting of licensed activities; to modify the ownership requirements applicable to holders of horse racing facility licenses and holders of operator's licenses to conduct horse racing or greyhound racing; to modify the procedure of a commission for reviewing and granting permits for persons to work at a racing facility; to provide for judges for greyhound racing and to modify the appointment procedure for stewards for horse racing; to authorize and provide rules for the conduct of pari-mutuel wagering on greyhound racing events; to specify the minimum proportionate amounts of the deposits to pari-mutuel pools for greyhound racing that are to be distributed to the holders of winning pari-mutuel tickets; to provide for the payment of license fees for pari-mutuel wagering on greyhound racing by each licensed operator to the racing commission licensing such operator and to specify the methods for determining the amounts of such fees and the schedule on which such fees shall be payable; to provide for a greyhound racing operator to hold commission racing days in each calendar year with the profits therefrom to go to the commission or charitable organizations designated by the commission; to provide that horse racing or greyhound racing events conducted outside the sponsoring municipality may be televised to a racing facility under the jurisdiction of a commission and made the subject of pari-mutuel wagering for which the pari-mutuel pools may include both bettors placing their bets at the racing facility under the jurisdiction of a commission and bettors placing their bets at other locations in the state or in other states; to provide that horse racing or greyhound racing events conducted at a racing facility under the jurisdiction of a commission may be televised to other locations in the state or in other states and made the subject of pari-mutuel wagering for which the pari-mutuel pools may include both bettors placing their bets at the racing facility under the jurisdiction of a commission and bettors placing their bets at other locations to which such racing events are televised; to modify the purposes for which the net revenues of a racing commission remaining after the payment of its expenses are to be applied and to provide for the disbursement of such net revenues for such purposes; to modify the prohibitions of said Chapter 65 against certain activities so as to make such prohibitions applicable to greyhound racing and pari-mutuel wagering thereon; to modify the penalties for certain prohibited activities concerning racing and pari-mutuel wagering; in the event that a state racing commission shall be established at any time, to provide in such event that any racing commission

created under said Chapter 65 and its license for both horse racing and greyhound racing shall be exempt from the jurisdiction of such state racing commission and from all laws providing for or relating to such state racing commission; to provide that the provisions of said Chapter 65 as modified by the act shall be severable; and to provide for such other matters as are necessary to authorize, regulate, license, administer and supervise both horse racing and pari-mutuel wagering thereon and greyhound racing and pari-mutuel wagering thereon in Class 1 municipalities.

Representative Bowling, Chairperson of the Standing Committee on Local Legislation No. 1, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, and they were severally read a second time and placed on the Calendar, to-wit:

H. 200. Relating to Blount County; reimbursing said county for lost revenues on property purchased by another county's municipal or county entity.

H. 201. Relating to Blount County; prohibiting the Birmingham Water Works Board from denying Blount County residents access to facilities built by said board for recreational purposes in Blount County and providing for Blount County to retain all rights for future water supplies from lakes in said county.

H. 384. Relating to Escambia County; authorizing the county commission to levy an additional or ad valorem tax to be used for educational purposes and providing for a referendum for approval of the tax by the qualified electors of the county.

H. 393. To alter, rearrange and extend the boundary lines and corporate limits of the Town of Glenwood in Crenshaw County.

Representative Zoghby, Chairperson of the Standing Committee on Local Legislation No. 3, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, and they were severally read a second time and placed on the Calendar, to-wit:

H. 169. Relating to the City of Mobile, to amend Act Number 31 of the Alabama Legislature, Second Special Session 1975, adopted March 10, 1975, and any amendments thereto, which relates to the incorporation in any municipality having a population of not less than 175,000 nor more than 250,000 according to the last or any subsequent Federal Decennial Census of an authority as a public corporation for the purpose of providing public transportation service in such county and the compensation of directors of any such authority.

H. 409. Relating to Mobile County; to amend Sections 1 through 9 of Act No. 974, S. 384, Regular Session 1961 (Acts 1961, p. 1550 et seq.); to confer on the Probate Courts of the county general and equity jurisdiction over certain estates concurrent with that of the Circuit Courts; to provide for the powers and authority of the Probate Judges and Chief Clerks of such Probate Courts; and to provide for the pleading and procedure in such estates, the enforcement of orders, judgments and decrees and appeals of same.

LEAVE OF ABSENCE

At the request of Representative Freeman, leave of absence was granted for Representative Harper.

**REPORT OF THE STANDING COMMITTEE
ON RULES ON ENROLLED AND ENGROSSED BILLS**

Mr. Speaker Pro Tem:

Your Standing Committee on Rules begs leave to report that it has examined the following House Joint Resolutions, to-wit:

H.J.R. 6. HONORING HARRY B. BROCK, JR., OF BIRMINGHAM, ALABAMA.

Also:

H.J.R. 14. COMMENDING DELL McRAE OF MONTGOMERY, ALABAMA, FOR OUTSTANDING SERVICE TO THE ALABAMA LEGISLATURE AND THE STATE OF ALABAMA.

Also:

H.J.R. 26. COMMENDING THE ALABAMA DEPARTMENT OF HUMAN RESOURCES FOR HAVING THE NATION'S BEST CHILD SUPPORT PROGRAM.

Also:

H.J.R. 27. DESIGNATING TOURISM WEEK 1991, IN THE STATE OF ALABAMA.

Also:

H.J.R. 51. MOURNING THE DEATH OF CARL S. FARMER OF ABBEVILLE, ALABAMA.

Also:

H.J.R. 44. PROVIDING FOR REIMBURSEMENT OF EXPENSES INCURRED BY CERTAIN MEMBERS THAT ATTENDED THE 1991 LEGISLATIVE BUDGET HEARINGS.

Also:

H.J.R. 52. COMMENDING THE UNITED METHODIST CHILDREN'S HOME, 1891-1991.

Also:

H.J.R. 54. COMMENDING LOUIS G. GREENE FOR DISTINGUISHED SERVICE TO THE LEGISLATURE AND TO THE STATE OF ALABAMA.

Also:

H.J.R. 16. REQUESTING GENERAL COLIN L. POWELL AND GENERAL H. NORMAN SCHWARZKOPF TO ADDRESS A JOINT SESSION OF THE ALABAMA LEGISLATURE.

Also:

H.J.R. 18. COMMENDING EARLIE RICH ON THE OCCASION OF HIS RECOGNITION BY FELLOWSHIP PRESBYTERIAN CHURCH OF HUNTSVILLE, ALABAMA.

Also:

H.J.R. 19. COMMENDING REAVER BROWN ON THE OCCASION OF HIS RECOGNITION BY FELLOWSHIP PRESBYTERIAN CHURCH OF HUNTSVILLE, ALABAMA.

Also:

H.J.R. 20. COMMENDING EVELYN RICH ON THE OCCASION OF HER RECOGNITION BY FELLOWSHIP PRESBYTERIAN CHURCH OF HUNTSVILLE, ALABAMA.

Also:

H.J.R. 22. COMMENDING HEAD COACH HAROLD MURRELL OF ATHENS STATE COLLEGE FOR OUTSTANDING ACHIEVEMENT.

Also:

H.J.R. 46. COMMENDING JEFFREY H. NEWMAN FOR DISTINGUISHED SERVICE TO THE MOBILE COMMUNITY.

Also:

H.J.R. 47. COMMENDING SADIE W. SMITH OF MOBILE, ALABAMA, FOR DISTINGUISHED PROFESSIONAL ACHIEVEMENT AND SERVICE.

Also:

H.J.R. 56. COMMENDING KEITH SWENDENBURG OF ETHELSVILLE, ALABAMA, FOR OUTSTANDING ACHIEVEMENT AND SERVICE.

Also:

H.J.R. 57. MOURNING THE DEATH OF WALTER FREDERICK EIGENBROD OF HUNTSVILLE, ALABAMA.

Also:

H.J.R. 58. COMMENDING J. D. ROBINSON OF NORTH JEFFERSON COUNTY LODGE #59, FRATERNAL ORDER OF POLICE.

Also:

H.J.R. 59. DESIGNATING "TALK ABOUT PRESCRIPTION MONTH" IN ALABAMA, AND "ALABAMA PHARMACY WEEK."

Also:

H.J.R. 8. COMMENDING JAMES W. HORTON, JR., OF WILMER, ALABAMA, FOR OUTSTANDING ACHIEVEMENT AND SERVICE.

Also:

H.J.R. 9. NAMING THE "HOSEA O. WEAVER BRIDGE" IN SEMMES, ALABAMA.

Also:

H.J.R. 12. COMMENDING BILLY FRED LIPHAM OF NEWELL, ALABAMA, FOR OUTSTANDING HEROISM.

Also:

H.J.R. 17. COMMENDING CAROLYN G. WRIGHT OF EMPIRE, ALABAMA, FOR OUTSTANDING PROFESSIONAL ACHIEVEMENT.

Also:

H.J.R. 23. CONGRATULATING THE ATHENS STATE COLLEGE BEARS ON THE NAIA DISTRICT 27 CHAMPIONSHIP.

Also:

H.J.R. 24. COMMENDING MARIE ANDREWS MCCONNELL, MOBILE'S FIRST LADY FOR 1990.

Also:

H.J.R. 25. COMMENDING ERNEST CARTER FOR DISTINGUISHED SERVICE TO HIS FELLOWMAN.

Also:

H.J.R. 28. COMMENDING JOHN R. WHALEY OF JACKSONVILLE HIGH SCHOOL UPON RECEIVING THE NATIONAL AGRICULTURE TEACHER ASSOCIATION'S YOUNG TEACHER AWARD.

Also:

H.J.R. 30. COMMENDING SAMUEL SANDERS ON THE OCCASION OF HIS RECOGNITION BY FELLOWSHIP PRESBYTERIAN CHURCH OF HUNTSVILLE, ALABAMA.

Also:

H.J.R. 31. COMMENDING ROBERT BURTON ON THE OCCASION OF HIS RECOGNITION BY FELLOWSHIP PRESBYTERIAN CHURCH OF HUNTSVILLE, ALABAMA.

Also:

H.J.R. 32. COMMENDING JOSEPH JOHNSON ON THE OCCASION OF HIS RECOGNITION BY FELLOWSHIP PRESBYTERIAN CHURCH OF HUNTSVILLE, ALABAMA.

Also:

H.J.R. 67. MOURNING THE DEATH OF GERALD CLYDE MINSHEW OF ANNISTON, ALABAMA.

Also:

H.J.R. 68. COMMENDING THE ANNISTON MIDDLE SCHOOL STATE CHAMPION SCHOLARS BOWL TEAM FOR 1991.

Also:

H.J.R. 69. MOURNING THE DEATH OF FLOYD HOWARD GRAY, JR., OF MONTGOMERY, ALABAMA.

Also:

H.J.R. 72. MOURNING THE DEATH OF FRED BURKS OF MOBILE COUNTY, ALABAMA.

Also:

H.J.R. 74. MOURNING THE DEATH OF WILLIE VIRGE LYERLY OF MONTGOMERY, ALABAMA.

Also:

**H.J.R. 75. MOURNING THE DEATH OF JOHN RANDOLPH PENTON,
JR., OF MONTGOMERY, ALABAMA.**

Also:

**H.J.R. 77. NAMING THE JAMES I. DAWSON COOPERATIVE EXTEN-
SION BUILDING AT ALABAMA A & M UNIVERSITY.**

Also:

**H.J.R. 78. MOURNING THE DEATH OF MRS. SADIE JEAN RASPBERRY
BRYANT OF NEWBERN, ALABAMA.**

And finds same correctly enrolled.

**TOMMY CARTER
Chairman**

SIGNING OF HOUSE JOINT RESOLUTIONS

The Speaker Pro Tem of the House, in the presence of the House, immediately after the titles had been publicly read by the Clerk, the reading at length having been dispensed with by a two-thirds vote of a quorum present, signed the House Joint Resolutions, the titles of which are set out in the foregoing Report of the Standing Committee on Rules.

RESOLUTIONS

The following resolutions were introduced:

By Representative Campbell:

H.J.R. 79. RELATIVE TO MEETING DAYS

**BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH
HOUSES THEREOF CONCURRING, That when the two houses adjourn today,
Thursday, April 25, 1991, they adjourn to meet again on Tuesday, April 30, 1991.**

On motion of Representative Buskey (JE), the rules were suspended and the resolution, H.J.R. 79, was adopted.

Also:

By Representative Campbell:

H.R. 80. RELATIVE TO MEETING DAYS

BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES, That when we adjourn today, Thursday, April 24, 1991, we adjourn to meet again on Tuesday, April 30, 1991, at 2:00 p.m.

On motion of Representative Buskey (JE), the rules were suspended and the resolution, H.R. 80, was adopted.

Also:

By Representatives Morrow, Anderson, Barnes, Beasley, Biddle, Black (L), Black (M), Blakeney, Bowling, Box, Bryant, Bugg, Burke, Buskey (JE), Buskey (JL), Butler, Cagle, Campbell, Carns, Carothers, Carter, Clark (J), Clark (W), Clay, Cosby, Crow, Cullins, Curry, Dolbare, Drake, Escott-Russell, Flowers, Ford, Freeman, Fuller, Gaines, Gaston, Goodwin, Grayson, Gullatt, Hall, Hamilton, Hammett, Haney, Harper, Harvey, Hawkins, Haynes, Higginbotham, Hill, Hogan, Holladay, Holley, Holmes, Hooper, Johnson, Kennedy, Knight, Kvalheim, Laird, Layson, Letson, Lindsey, Mathis, McClain, McDaniel, McDowell, McKee, McMillan, Melton, Mikell, Millican, Morton, Newman, Newton (C), Newton (D), Parker (P), Parker (T), Payne, Penry, Perdue, Petelos, Poole, Powell, Rich, Richardson, Rockhold, Rogers (F), Rogers (J), Sanderford, Sanderson, Smith (C), Smith (R), Spratt, Starkey, Thomas, Turner, Turnham, Venable, Walker, Warren, White, Williams, Willis and Zoghby:

H.J.R. 81. URGING THE UNITED STATES CONGRESS TO LEGISLATIVELY RESOLVE THE "NOTCH BABY" SOCIAL SECURITY INEQUITY.

WHEREAS, certain Social Security recipients born between 1917 and 1921 are receiving reduced benefits as a result of 1977 congressional legislation that created the wage-indexed computation method; and

WHEREAS, "Notch Babies" who reached age 62 between 1979 and 1983 have been forced to accept a substantial decrease in benefits under the new computation method as opposed to what their benefits would have been under the old method used prior to 1977; and

WHEREAS, Congress has allowed this inequity to continue without resolution since it was first brought to their attention in 1982; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we do hereby urge and implore the Congress of the United States to take the necessary legislative action during its 1991-92 session to correct the "Notch Baby" Social Security inequity.

BE IT FURTHER RESOLVED, That a copy of this resolution shall be sent to every member of the Alabama congressional delegation.

On motion of Representative Morrow, the rules were suspended and the resolution, H.J.R. 81, was adopted.

Also:

By Representatives Fuller, Turnham, Mikell, Holley, Sanderford, Haney, Hooper, Crow, Gaston, Mathis, Freeman, Smith (C) and Blakeney:

H.J.R. 82. MEMORIALIZING THE U. S. CONGRESS TO PROPOSE A CONSTITUTIONAL AMENDMENT SPECIFYING THAT CONGRESS AND THE INDIVIDUAL STATES SHALL HAVE THE POWER TO PROHIBIT DESECRATION OF THE AMERICAN FLAG.

WHEREAS, although the right of free expression is part of the foundation of the United States Constitution, very carefully drawn limits on expression in specific instances have long been recognized as legitimate means of maintaining public safety and decency, as well as orderliness and productive value of public debate; and

WHEREAS, certain actions, although arguably related to one person's free expression, nevertheless raise issues concerning public decency, public peace, and the rights of expression and sacred values of others; and

WHEREAS, there are symbols of our national soul such as the Washington Monument, the United States Capitol Building, and memorials to our greatest leaders, which are the property of every American and are therefore worthy of protection from desecration and dishonor; and

WHEREAS, the American Flag to this day is a most honorable and worthy banner of a nation which is thankful for its strengths and committed to curing its faults, and remains the destination of millions of immigrants attracted by the universal power of the American ideal; and

WHEREAS, the law as interpreted by the United States Supreme Court no longer accords to the Stars and Stripes that reverence, respect, and dignity befitting the banner of that most noble experiment of a nation-state; and

WHEREAS, it is only fitting that people everywhere should lend their voices to a forceful call for restoration to the Stars and Stripes of a proper station under law and decency; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we respectfully memorialize the Congress of the United States to propose an amendment to the United States Constitution, for ratification by the states, specifying that Congress and the states shall have the power to prohibit the physical desecration of the flag of the United States.

BE IT FURTHER RESOLVED, That copies of this resolution be transmitted to the Speaker of the U. S. House of Representatives, the President of the U. S. Senate and all members of the congressional delegation from the State of Alabama.

On motion of Representative Fuller, the rules were suspended and the resolution, H.J.R. 82, was adopted.

CO-SPONSORS ADDED

Representatives Anderson, Biddle, Campbell, Cullins, Curry, Flowers, Gaines, Hamilton, Hammett, Hawkins, Haynes, Higginbotham, Hill, Hogan, Knight, Kvalheim, Laird, McDaniel, McMillan, Millican, Morrow, Morton, Newman, Parker (T), Payne, Petelos, Powell, Rich, Richardson, Rockhold, Sanderson, Smith (R), Venable, White and Willis were added as co-sponsors to the resolution, H.J.R. 82.

MESSAGE FROM THE SENATE

Mr. Speaker:

The President and Presiding Officer of the Senate having signed the following Senate Joint Resolutions, your signature thereto is requested:

S.J.R. 11. MOURNING THE DEATH OF DEAL WAMBLES OF DOTHAN, ALABAMA.

Also:

S.J.R. 12. DESIGNATING "THE MIRACLE WORKER" AS THE OFFICIAL OUTDOOR DRAMA OF THE STATE OF ALABAMA.

Also:

S.J.R. 15. COMMENDING THE UNITED METHODIST CHILDREN'S HOME, 1891-1991.

Also:

S.J.R. 16. COMMENDING BEA VOLKMAN OF MOBILE FOR OUTSTANDING PROFESSIONAL ACHIEVEMENT.

Also:

S.J.R. 17. COMMENDING THE MOBILE THEATRE GUILD AND DIRECTOR MICHAEL MCKEE FOR OUTSTANDING ACHIEVEMENT.

Also:

S.J.R. 19. COMMENDING COACH RUDY ABBOTT OF JACKSONVILLE STATE UNIVERSITY FOR OUTSTANDING PROFESSIONAL ACHIEVEMENT.

Also:

S.J.R. 20. NAMING THE GYMNASIUM AT COLLINSVILLE HIGH SCHOOL, COLLINSVILLE, ALABAMA, IN HONOR OF L. D. DOBBINS.

Also:

S.J.R. 21. DESIGNATING THE DYNE CREEK COMMUNITY.

MCDOWELL LEE
Secretary

SIGNING OF SENATE JOINT RESOLUTIONS

The Speaker of the House, in the presence of the House, immediately after the titles had been publicly read by the Clerk, the reading at length having been dispensed with by a two-thirds vote of a quorum present, signed the Senate Joint Resolutions, the titles of which are set out in the foregoing Message from the Senate.

RESOLUTIONS

The following resolutions were introduced:

By Representatives Haynes, Anderson, Barnes, Beasley, Biddle, Black (M), Blakeney, Bowling, Box, Bryant, Bugg, Burke, Buskey (JE), Buskey (JL), Butler, Cagle, Campbell, Carns, Carothers, Carter, Clark (J), Clark (W), Clay, Cosby, Crow, Cullins, Curry, Dolbare, Drake, Escott-Russell, Flowers, Ford, Freeman, Fuller, Gaines, Gaston, Goodwin, Grayson, Gullatt, Hall, Hamilton, Hammett, Haney, Harper, Harvey, Hawkins, Higginbotham, Hill, Hogan, Holladay, Holley, Holmes, Hooper, Johnson, Kennedy, Knight, Kvalheim, Laird, Layson, Letson, Lindsey, Mathis, McClain, McDaniel, McDowell, McKee, McMillan, Melton, Mikell, Millican, Morrow, Morton, Newman, Newton (C), Newton (D), Parker (P), Parker (T), Payne, Penry, Perdue, Petelos, Poole, Powell, Rich, Richardson, Rockhold, Rogers (F), Rogers (J), Sanderford, Sanderson, Smith (C), Smith (R), Spratt, Starkey, Thomas, Turner, Turnham, Venable, Walker, Warren, White, Williams, Willis and Zoghby:

H.J.R. 83. URGING THE SECRETARY OF THE U. S. DEPARTMENT OF AGRICULTURE TO EXTEND HIS AGENCY'S PERSONNEL AGREEMENT WITH THE STATE OF ALABAMA REGARDING ANDREW P. HORNSBY, JR.

WHEREAS, as the result of an agreement between the United States Department of Agriculture and the State of Alabama, an employee of the Department of Agriculture, Andrew P. Hornsby, Jr., has been serving as Commissioner of the Alabama Department of Human Resources since January 1987; and

WHEREAS, in his position as Commissioner of Human Resources, Mr. Hornsby has demonstrated administrative excellence that has greatly benefitted the people of Alabama, particularly the poor, the elderly, and children; and

WHEREAS, the return of Mr. Hornsby to federal service at this time could result in a degradation in the operations of the Alabama Department of Human

Resources and reductions in the agency's services to Alabamians; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That it is the collective wish of the Alabama Legislature that Mr. Hornsby remain in this state as Commissioner of Human Resources for an additional two years.

BE IT FURTHER RESOLVED, That the Secretary of the U. S. Department of Agriculture and other appropriate federal officials are urged by the Alabama Legislature to take whatever actions are necessary to allow Mr. Hornsby to remain in Alabama under a cooperative state-federal agreement.

On motion of Representative Haynes, the rules were suspended and the resolution, H.J.R. 83, was adopted.

Also:

By Representatives Flowers, Anderson, Barnes, Beasley, Biddle, Black (L), Black (M), Blakeney, Bowling, Box, Bryant, Bugg, Burke, Buskey (JE), Buskey (JL), Butler, Cagle, Campbell, Carns, Carothers, Carter, Clark (J), Clark (W), Clay, Cosby, Crow, Cullins, Curry, Dolbare, Drake, Escott-Russell, Ford, Freeman, Fuller, Gaines, Gaston, Goodwin, Grayson, Gullatt, Hall, Hamilton, Hammett, Haney, Harper, Harvey, Hawkins, Haynes, Higginbotham, Hill, Hogan, Holladay, Holley, Holmes, Hooper, Johnson, Kennedy, Knight, Kvalheim, Laird, Layson, Letson, Lindsey, Mathis, McClain, McDaniel, McDowell, McKee, McMillan, Melton, Mikell, Millican, Morrow, Morton, Newman, Newton (C), Newton (D), Parker (P), Parker (T), Payne, Penry, Perdue, Petelos, Poole, Powell, Rich, Richardson, Rockhold, Rogers (F), Rogers (J), Sanderford, Sanderson, Smith (C), Smith (R), Spratt, Starkey, Thomas, Turner, Turnham, Venable, Walker, Warren, White, Williams, Willis and Zoghby:

H.J.R. 84. DESIGNATING "NURSING HOME WEEK" IN ALABAMA.

WHEREAS, the citizens of Alabama now residing in nursing homes have contributed greatly to the traditions we in this State have come to cherish; and

WHEREAS, the staff and volunteers who care for residents in nursing homes have built their own unique traditions of providing quality care; and

WHEREAS, members of the American Health Care Association and the Alabama Nursing Home Association are sponsoring National Nursing Home Week; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we hereby designate May 12-18, 1991, as "Nursing Home Week" in Alabama, and urge all citizens to join in the observance by visiting a nursing home and nursing home residents, and by setting aside some special time to learn about long-term care and the traditions of caring that nursing homes have established.

BE IT FURTHER RESOLVED, That Alabama Nursing Home Association, Inc., be provided with a copy of this resolution so designating May 1-18, 1991, as "Nursing Home Week" in Alabama.

On motion of Representative Flowers, the rules were suspended and the resolution, H.J.R. 84, was adopted.

Also:

The following resolution was introduced and distributed according to Joint Rule 11:

By Representatives Smith (R), Bugg and Ford:

H.R. 85. COMMENDING PRIVOTT SLEDGE AND JULIE SISSON FOR OUTSTANDING SERVICE TO THE ALABAMA HOUSE OF REPRESENTATIVES.

INTRODUCTION OF BILLS

Upon a call of Districts, bills were introduced, severally read one time and referred to appropriate standing committees as follows:

By Representatives Hawkins and Sanderson:

H. 443. To allow veterans of the Battle of the Bulge to purchase distinctive motor vehicle license plates or tags; to prohibit the transfer of such plates; to prescribe the manner of charging for such license plates or tags; and to provide for the duties and powers of the commissioner of revenue and the probate judge or license commissioner.

COMMITTEE ON WAYS AND MEANS

By Representative Flowers:

H. 444. To prohibit employers, employment agencies, labor unions and associations from discriminating in employment in such matters as hiring, job retention, compensation, and other terms and conditions of employment and to provide penalties.

COMMITTEE ON JUDICIARY

By Representatives Turner, Fuller, Clay, Penry, and McMillan:

H. 445. To allow veterans of the United States Merchant Marines to purchase distinctive motor vehicle license plates or tags; to prohibit the transfer of such plates; to prescribe the manner of charging for such license plates or tags; and to provide for the duties and powers of the commissioner of revenue and the probate judge or license commissioner.

COMMITTEE ON WAYS AND MEANS

By Representative Millican (With Notice and Proof):

H. 446. Relating to Marion County; to provide further for expense allowances for the chairman and associate commissioners of the county commission; and to provide for retroactive effect.

COMMITTEE ON LOCAL LEGISLATION NO. 1

I HEREBY CERTIFY THAT THE NOTICE & PROOF IS ATTACHED TO THE BILL, H. 446, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON, CLERK

By Representative Richardson:

H. 447. To amend Section 2-17-10 which provides for the licensing of restricted-use pesticide sellers and dealers so that the annual license is raised from \$10 per license to \$50 per license.

COMMITTEE ON WAYS AND MEANS

By Representatives Johnson, Haynes, Carothers, Beasley, Laird, Williams, and Penry:

H. 448. To authorize the creation and incorporation of the public gas authority of Alabama as a public corporation of the state of Alabama; to authorize the authority, as sole owner in common with others, to acquire, construct, improve, equip, alter, repair, operate, and maintain projects and systems embracing the storage, acquisition, production, distribution, exploration, treatment, liquefaction, vaporization, transmission, purchase, sale, exchange or interchange of gas and to acquire, construct, and equip all property and things necessary or convenient for the purposes of such projects and systems and the acquisition, construction, maintenance and operation thereof; to confer on the authority powers to carry out its purposes including, among others, the power of eminent domain, to provide for an election committee and the selection of representatives thereto and for the nomination and selection of members of the board of directors of the authority by the election committee; to authorize the authority and certain municipal and public corporations and others to execute contracts for the use of its projects and systems and the services thereof and for the purchase of gas therefrom and to enforce the performance thereof; to authorize the authority to issue its bonds, bond anticipation notes and notes payable from the revenues and other available funds and assets of the authority in order to provide funds sufficient to carry out any of its corporate purposes and powers; to authorize the collecting and pledging of revenues and other available funds and assets of the authority for the payment of its bonds, bond anticipation notes and notes and for the cost of operating, maintaining, and repairing its projects or systems; to authorize the execution of trust and security instruments relating to the authority's property in order to secure the payment of its bonds, bond anticipation notes and notes; to provide rights for the holders of its bonds, bond anticipation notes and notes; to provide that none of such evidences of indebtedness shall constitute a debt of the state of

Alabama or of any municipal or public corporation thereof except the authority; to make such evidences of indebtedness legal investments and to exempt the same and the income therefrom and interest thereon along with the authority, its income and all property (including filings with respect thereto) from taxation; to exempt the bonds, bond anticipation notes and notes from this state's usury laws; to provide for validation of the authority's contracts and the authority's bonds and notes and the security therefor and to fix the venue and jurisdiction of actions respecting the authority; to exempt the authority from provisions of the public service commission laws, the operation of Alabama Sunset Law and from the competitive bid laws; and to provide for other matters relative to the foregoing.

**COMMITTEE ON COMMERCE,
TRANSPORTATION AND UTILITIES**

By Representatives Johnson, Haynes, and Williams:

H. 449. To provide that full-time employees and executive officers of the Alabama Peace Officers Association and the Alabama Sheriff's Association may elect to become members of the Teachers' Retirement System of Alabama; to provide that said entities and their employees shall assume all costs, both contributory and administrative, and no cost shall devolve upon the state; and to provide for purchase of certain previous service credit in such system.

COMMITTEE ON WAYS AND MEANS

By Representative Hooper:

H. 450. To further provide for property assessments and ad valorem taxes, so as to allow credit on certain ad valorem taxes owed by owners on property and housing for certain elderly, disabled and families of low or moderate income who live in rental or cooperative housing, built pursuant to 42 U.S.C.A. 1471, 42 U.S.C.A. 1485 or Federal Regulation, 7 C.F.R. Section 1944; to provide retroactive effect; and to make such credit allowance pursuant to Amendment No. 373 of the Constitution of 1901, subsection (g).

**COMMITTEE ON COMMERCE,
TRANSPORTATION AND UTILITIES**

By Representative Hooper:

H. 451. To regulate all security guards in this state; to define certain terms; to create the Alabama Security Regulatory Board; to provide for powers and duties of such board; to provide for licenses for persons engaged in a security business; to provide for registration of proprietary and contract security guards; to provide for fees; to provide for qualifications; to provide for training requirements; to provide for carrying of firearms; to provide for uniform and motor vehicle identifying insignia; to prescribe penalties for violations; and to establish fines and punishment therefore.

**COMMITTEE ON COMMERCE,
TRANSPORTATION AND UTILITIES**

By Representatives Williams and Johnson:

H. 452. To regulate credit services organizations; to provide for certain exemptions; to prohibit certain conduct by the organizations; to require surety bonds; to require registration with the secretary of state; to require the disclosure of certain information prior to executing contracts; to prescribe the form and terms of the contracts; to provide for damages, civil relief and penalties for violations.

COMMITTEE ON STATE ADMINISTRATION

By Representatives Williams, Haynes, Johnson, Newman, Butler, Hooper, Thomas, Warren, and Clay:

H. 453. To authorize any public hospital or other county or municipal agency, board or commission which has withdrawn from participation in the Employees' Retirement System to pay cost-of-living increases to retirees who were members of the Employees' Retirement System during their employment.

COMMITTEE ON WAYS AND MEANS

By Representative Melton (With Notice and Proof):

H. 454. Relating to the office of chief deputy sheriff in Tuscaloosa County; to provide that such office shall be an office in the unclassified service of the county; to prescribe the compensation of the chief deputy and provide for the payment thereof; and to authorize the sheriff of Tuscaloosa County to appoint the chief deputy sheriff.

COMMITTEE ON LOCAL LEGISLATION NO. 6

I HEREBY CERTIFY THAT THE NOTICE & PROOF IS ATTACHED TO THE BILL, H. 454, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON, CLERK

By Representatives Kvalheim, Starkey, Smith (C), Campbell, Rockhold, and Gaston:

H. 455. Providing further for cruelty to animals; amending Section 13A-11-14, Code of Alabama 1975, prescribing penalties.

COMMITTEE ON JUDICIARY

By Representatives Kvalheim, Starkey, Smith (C), Campbell, Rockhold, and Gaston:

H. 456. Providing further for cruelty to animals; amending Section 3-1-16, Code of Alabama 1975, prescribing penalties and the confiscation of animals.

COMMITTEE ON JUDICIARY

By Representative Mathis:

H. 457. To make an appropriation from the state general fund to the Department of Economic Development and Community Affairs, to make grants to promote the development and expansion of small business incubators and entrepreneurial services throughout the state that qualified public entities may use to facilitate access to other grant or local funds for this purpose; to name the contents of this bill and the programs established by the Alabama Small Business Incubator Act; to authorize the regional revolving loan policy committee established in Act 90-650 to administer this act; to authorize the said regional revolving loan policy committee to establish an advisory committee of knowledgeable entrepreneurial economic developers to assist in the duties of the committee; to provide appropriate resources for the administration of the programs established by the enactment of this bill; and to authorize the Department of Economic Development and Community Affairs to promulgate and implement rules and procedures for the administration of programs.

COMMITTEE ON WAYS AND MEANS

By Representative McMillan:

H. 458. To amend further Section 11-3-4, Code of Alabama 1975, relating to the compensation of county commissioners, so as to change the amount allowed for mileage to the amount allowed by the Internal revenue code for income tax deductions.

COMMITTEE ON LOCAL GOVERNMENT

By Representatives Gaston, Zoghby, Rockhold, Kvalheim, and Hooper:

H. 459. To propose an amendment to the Constitution of Alabama of 1901 to provide that the people may propose the repeal and enactment of laws by an initiative referendum.

COMMITTEE ON CONSTITUTION AND ELECTIONS

The above bill was read a first time at length as required by the Constitution.

By Representatives Melton and Perdue:

H. 460. To amend Sections 16-28-3, 16-28-7, 16-28-9, and 16-28-11, Code of Alabama, 1975, relating to compulsory school attendance, enrollment, and reporting so as to lower the minimum compulsory attendance age from seven to age five.

COMMITTEE ON EDUCATION

By Representatives Bugg and Smith (R):

H. 461. To make an appropriation to the Etowah County Youth Symphony

Orchestra for the fiscal year ending September 30, 1992, and to require an operations plan and audited financial statement prior to release of any funds.

COMMITTEE ON WAYS AND MEANS

By Representatives Bugg and Smith (R):

H. 462. To make an appropriation to the Cultural Arts Center in Gadsden, Alabama for the fiscal year ending September 30, 1992, and to require an operations plan and audited financial statement prior to release of any funds.

COMMITTEE ON WAYS AND MEANS

By Representatives Bugg and Smith (R):

H. 463. To make an appropriation to the Bevill Center for Advanced Manufacturing Technology in Gadsden, Alabama for the fiscal year ending September 30, 1992, and to require an operations plan and audited financial statement prior to release of any funds.

COMMITTEE ON WAYS AND MEANS

By Representatives Rogers (F) and Morton:

H. 464. To authorize teachers to hold pupils strictly accountable for disorderly conduct, to authorize teachers and principals to use corporal punishment, to authorize local boards of education to adopt rules regarding the use of corporal punishment, and to provide teachers and principals who use corporal punishment shall be immune from civil or criminal liability.

COMMITTEE ON JUDICIARY

By Representative Newton (C) (With Notice and Proof):

H. 465. Relating to the Town of Rutledge in Crenshaw County; providing further for the manner of electing the members of the city council so as to remove the designation of place number for any council member; providing method of voting for council members; providing for the elimination of runoff elections; prescribing that, except as herein provided, all other laws or resolutions or ordinances governing the operation of the city council and its members shall continue.

COMMITTEE ON LOCAL LEGISLATION NO. 1

I HEREBY CERTIFY THAT THE NOTICE & PROOF IS ATTACHED TO THE BILL, H. 465, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON, CLERK

By Representative Dolbare:

H. 466. To amend Sections 24-7-2 and 24-7-3 of the Code of Alabama 1975, which provide for the Mowa Choctaw Housing Authority, so as to provide further for the appointment of members of the Authority and to provide further for the duties and powers of the Authority.

COMMITTEE ON STATE ADMINISTRATION

By Representatives Holmes, Grayson, and McDowell:

H. 467. Proposing an amendment to the Constitution of Alabama to establish a state-operated and regulated lottery and prohibit private lotteries; to establish a Lottery Commission and legislative oversight committee; to permit reciprocal agreements by general statute; to establish a Lottery Principal Trust Fund; to provide for the proceeds; to repeal conflicting provisions; and to set a statewide referendum.

COMMITTEE ON WAYS AND MEANS

The above bill was read a first time at length as required by the Constitution.

By Representatives Holmes, McDowell, and Grayson:

H. 468. To establish the Alabama State Lottery Commission and provide for the administration and operation of a state lottery or lotteries or schemes in the nature of a lottery or lotteries; to establish the Legislative Lottery Oversight Committee and provide for the membership, their appointment, duties and authority; to create the office of the commissioner of the state lottery commission; to prescribe the powers and duties of the commission and the commissioner, and the appointment, qualifications and compensation for the commissioner; to regulate the licensing of retail outlet agents and the sale of lottery tickets or shares; to provide for the collection of receipts and the distribution of net revenues; for purposes of the general fund, and the special educational trust fund and it establishes the Lottery Principal Trust Fund; to make an initial appropriation from the general fund of the state treasury, in the form of a loan, to the commission of state lotteries for implementing the provisions of this act and to prescribe the manner of repayment of such funds to the said general fund; to require the commissioner to make certain reports to the Governor, the Lottery Advisory Committee, state treasurer and legislature and to prescribe post audits by the state auditor and examiners of public accounts; to require certain state agencies and political subdivisions to provide assistance to the commission; to require the director of public safety to make investigations in connection with the lottery operations and to perform other law enforcement activity therefor; to provide that upon certification of expenses, the department of public safety shall be reimbursed for actual expenses from lottery overhead funds; to require contracts be made pursuant to the public bid laws; to require that the commissioner and commission personnel be subject to the state ethics act; to prohibit certain persons from purchasing lottery tickets or shares; to proscribe the levying of any state, county or local taxes upon the proceeds of any prize awarded by the state lottery; to prescribe criminal penalties for certain violations and crimes; and to

specifically provide that no provision of this act shall be construed to rescind or repeal, in whole or in part, any existing or future constitutional amendment or statute authorizing dog racing, horse racing or charitable bingo.

COMMITTEE ON WAYS AND MEANS

By Representative Drake:

H. 469. Providing that certain members of the retirement systems of Alabama may purchase credit for certain previous service, not to exceed eight years service, rendered to a county as a county solicitor and prescribing certain conditions for purchasing such credit.

COMMITTEE ON WAYS AND MEANS

By Representatives Penry and McMillan (With Notice and Proof):

H. 470. Relating to the City of Gulf Shores in Baldwin County, so as to alter, rearrange and extend the boundary lines and corporate limits of the City of Gulf Shores.

COMMITTEE ON LOCAL LEGISLATION NO. 1

I HEREBY CERTIFY THAT THE NOTICE & PROOF IS ATTACHED TO THE BILL, H. 470, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON, CLERK

By Representative Zoghby:

H. 471. To amend Section 13A-7-29 of the Code of Alabama 1975, relating to the crime of criminal littering so as to provide further for punishment.

COMMITTEE ON JUDICIARY

By Representative Zoghby:

H. 472. To amend Section 36-21-7, Code of Alabama 1975, which provides for reimbursement of the cost of mandated training to the governmental entity that paid for such training where one governmental entity hires law enforcement officers, fire protection personnel or firefighters employed by another governmental entity within 12 months following completion of said training, so as to increase the 12-month period to 24 months; to require reimbursement of training costs, which are mandated by law or necessary to enable an employee to become certified, to the governmental entity that paid for such training where one governmental entity hires ambulance service operators, ambulance drivers, ambulance attendants, ambulance driver-attendants, emergency medical technicians, or water and wastewater operators employed by another governmental entity within 24 months following completion of said training.

COMMITTEE ON WAYS AND MEANS

By Representatives McMillan and Penry (With Notice and Proof):

H. 473. Relating to Baldwin County; to impose excise taxes on persons, corporations, copartnerships, companies, agencies and associations engaged in the business of selling, distributing, storing or withdrawing from storage, for any purpose whatever, gasoline and motor fuel and substitutes therefor in said county; to provide for the collection and payment of such taxes and to provide for the distribution and the use of the funds derived therefrom; to authorize the Baldwin County Commission to make reasonable rules and regulations for the collection of such taxes; to provide for the enforcement of this act and to fix the penalty for the violation of any provision of this act and of the rules and regulations prescribed by the Baldwin County Commission for the collection of said taxes; and to authorize the county commission to levy two separate one-cent motor fuel taxes in the future.

COMMITTEE ON LOCAL LEGISLATION NO. 1

I HEREBY CERTIFY THAT THE NOTICE & PROOF IS ATTACHED TO THE BILL, H. 473, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON, CLERK

By Representatives Johnson, Carothers, Beasley, and Newton (C):

H. 474. To amend Sections 16-47-124 and 16-47-125, Code of Alabama 1975, relating to medical scholarship awards; to provide for rural incentive loans for medical students willing to provide medical care in the underserved rural areas of the state; and to authorize the Board of Medical Scholarship Awards to establish the criteria of eligibility.

COMMITTEE ON HEALTH

By Representative Butler:

H. 475. To amend Sections 4-3-41, 4-3-45, 4-3-47 and 4-3-59, Code of Alabama 1975, which relate to airport authorities, so as to provide for the reincorporation of existing airport authorities; to empower airport authorities to sell, exchange or grant options to buy or sell property; to expand the right of airport authorities to provide goods and services; to empower airport authorities to levy passenger facility charges and access fees; to expand the types of deposits or obligations in which an airport authority might invest funds; to expand the police powers of airport authorities, and to provide further for court jurisdiction; to provide that airport authorities can engage in certain financing; to enable airport authorities to assess and collect fines from any person, firm or corporation occupying or utilizing the airport or airport facilities in the event such party is the cause of fines or penalties being levied against the airport authority; and to exempt the airport authority from liability for the payment of deed recording fees and roll-back taxes.

COMMITTEE ON INDUSTRIAL DEVELOPMENT
AND ECONOMIC GROWTH

By Representative Curry:

H. 476. To amend Sections 40-3-7, 40-3-8, 40-3-10, 40-3-13, 40-3-16, and 40-3-19, Code of Alabama 1975, relating to county boards of equalization, so as to provide further for the compensation of members of the boards, to eliminate property inventories and annual reports, to provide further for meetings, to require notification in writing to certain taxpayers, to repeal Sections 40-3-9, 40-3-11, 40-3-12, 40-3-17 and 40-3-18, Code of Alabama 1975, which relate to property inventory requirements and other unnecessary official duties of boards of equalization and county tax assessing officials; and to provide that any future increase in compensation provided by local legislative act shall be paid entirely by the county in which the board members serve.

COMMITTEE ON LOCAL GOVERNMENT

By Representative Zoghby:

H. 477. To authorize state agencies an administrative option to require the timely electronic remittance of immediately available funds by any person, corporation or partnership required to satisfy an obligation due any agency of the state of Alabama amounting to one hundred thousand dollars (\$100,000) or more effective January 1, 1992, fifty thousand dollars (\$50,000) or more effective January 1, 1993 and twenty-five thousand dollars (\$25,000) or more effective January 1, 1994; establishes the date from which penalties and interest will be computed; and authorizes the promulgation of rules and regulations governing the manner in which such payments shall be made.

COMMITTEE ON BANKING

By Representatives Cosby, Rogers (J), Fuller, Holladay, Venable, Holley, Thomas, Newton (C), Laird, Petelos, Beasley, Willis, Johnson, Hooper, Mikell, Freeman, Burke, Blakeney, Dolbare, Clay, McClain, Newton (D), Barnes, Rich, Hamilton, Haney, Payne, Hawkins, Richardson, Perdue, Smith (R), Curry, Morton, Hill, Millican, Gaines, Sanderson, and Powell:

H. 478. To prohibit the Legislature of Alabama from increasing its expense allowances or any other form of compensation during its term of office.

COMMITTEE ON WAYS AND MEANS

By Representative Hooper:

H. 479. Relating to tenants of publicly subsidized housing; to provide for the eviction of such tenants for certain violations of the state's controlled substances statutes.

COMMITTEE ON COMMERCE, TRANSPORTATION AND UTILITIES

By Representative Hooper:

H. 480. To amend Section 36-18-2 of the Code of Alabama 1975, relating to reports of the state toxicologist, so as to provide for the admissibility of certain reports in civil court actions.

COMMITTEE ON HEALTH

By Representatives McMillan, Mikell, Blakeney, Kvalheim, and Penry:

H. 481. To amend Section 33-5-24 of the Code of Alabama 1975, relating to the operation of vessels and certain other devices, so as to provide that no person shall operate any vessel or certain other device on the waters of this state while under the influence of alcohol.

COMMITTEE ON JUDICIARY

By Representatives McMillan, Kvalheim, and Hooper:

H. 482. To provide for mandatory errors and omissions insurance coverage for all active real estate licensees; to authorize the real estate commission to contract for such coverage in compliance with state competitive bid laws; to allow optional coverage by any insurance carrier which meets minimum standards; to provide that no such coverage shall be required when it is not available at a reasonable premium and to authorize such commission to promulgate and implement administrative rules and procedures to carry out the provisions of this act.

COMMITTEE ON INSURANCE

By Representatives Newton (D), Petelos, Perdue, and Rogers (F) (With Notice and Proof):

H. 483. Relating to the City of Birmingham in Jefferson County; to amend sections 3 and 7 of Act No. 105, H. 24, Third Special Session 1971, (Acts 1971, p. 4325), so as to provide further for the process of weed removal from private property by amending the notice requirements and making optional the collection of the special assessment by the county tax collector.

COMMITTEE ON LOCAL LEGISLATION NO. 2

I HEREBY CERTIFY THAT THE NOTICE & PROOF IS ATTACHED TO THE BILL, H. 483, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON, CLERK

By Representatives Carothers, Mathis, and Beasley:

H. 484. To provide that any class 5 municipality in the State of Alabama shall have authority to adopt an ordinance creating a housing code abatement board with authority, after notice to remedy or demolish is provided, to remove or demolish buildings and structures, parts of buildings and structures, party walls and foundations when the same are ultimately found by the governing body of

such city, pursuant to its police power, to be unsafe to the extent of being a public nuisance from any cause; to provide for a hearing by the governing body if requested; to authorize that the cost of such demolition and removal shall constitute a special assessment against the lot or lots, parcel or parcels whereon the building or structure was located and that such assessment shall constitute a lien on said property; and to provide a method of collecting such assessments.

COMMITTEE ON LOCAL GOVERNMENT

By Representatives Burke and Harvey:

H. 485. To amend Section 41-16-123, Code of Alabama 1975, relating to the sale of certain surplus state property, so as to provide for an exemption for personal property items of the Parks Division of the Department of Conservation and Natural Resources.

COMMITTEE ON STATE ADMINISTRATION

By Representative Burke:

H. 486. To amend Section 9-14-5, Code of Alabama 1975, relating to the repair and maintenance of certain roads and bridges, so as to place such duty upon the Highway Department and to further provide for such duties.

COMMITTEE ON WAYS AND MEANS

By Representatives Burke and Harvey:

H. 487. To amend Section 9-14-29, Code of Alabama 1975, as last amended, relating to the applicability of the provisions of Article 2 of Chapter 14 of Title 9 of the Code of Alabama 1975, so as to add an exemption for concession operations receiving gross receipts of \$100,000.00 or less annually.

COMMITTEE ON WAYS AND MEANS

By Representative Hammett:

H. 488. To amend Sections 36-21-60, 36-21-61 and 36-21-63, Code of Alabama 1975, as amended, relating to the Peace Officers' Annuity and Benefit Fund, so as to provide for an additional elected member to the board and to further provide for a quorum.

COMMITTEE ON STATE ADMINISTRATION

By Representative Buskey (JL):

H. 489. To amend Section 34-12-8, Code of Alabama 1975, which relates to licensing of foresters, so as to provide further for the renewals of said licenses.

COMMITTEE ON STATE ADMINISTRATION

By Representatives Cagle, Hogan, Spratt, Crow, and Hall:

H. 490. To amend Section 25-4-72, Code of Alabama 1975, as amended, relating to unemployment compensation weekly benefit, so as to increase the maximum of such benefit.

COMMITTEE ON WAYS AND MEANS

By Representative Campbell:

H. 491. Relating to implied warranties which apply to the sale of new residential real estate and the waiver of implied warranties; to provide the intent of the legislature regarding this act; to provide that a purchaser of new residential real property may agree implied warranties shall not apply to such transactions; to provide legally sufficient language to exclude such transactions from implied warranties; to provide for an effective date of this law; to provide for the repeal of inconsistent laws or parts of laws; and to provide for the severability of this act.

COMMITTEE ON JUDICIARY

NOTICE IN WRITING

Representative Campbell filed the following Notice in Writing:

Notice is hereby given that on the next legislative day a motion will be made to amend the rules of the House as follows:

On Page 12, at the end of Rule 2, by inserting the following: Unless it is otherwise specifically provided for by resolution or motion, the House shall meet at ten o'clock a.m.

NOTICE IN WRITING

Representative Campbell filed the following Notice in Writing:

Notice is hereby given that on the next legislative day a motion will be made to amend the rules of the House as follows:

On Page 25, by adding a new rule as follows:

Rule 83. Whenever the office of Clerk is vacant, the Assistant Clerk shall perform all of the duties of the Clerk as provided in these rules and by statute.

CO-SPONSOR REMOVED

At the request of Representative Carns, his name was removed as co-sponsor to the bill, H. 438.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and adopted the following Senate Joint Resolution and sends same herewith to the House for its consideration:

By Senator deGraffenried:

S.J.R. 27. JOINT SESSION OF THE LEGISLATURE.

BE IT RESOLVED BY THE LEGISLATURE, BOTH HOUSES THEREOF CONCURRING That the legislature shall meet in joint session on Tuesday, April 30, 1991, at 1:30 P.M., for the purpose of the Director of the Highway Department and his staff presenting the administration's highway program to the legislature.

MCDOWELL LEE
Secretary

SENATE MESSAGE

On motion of Representative Clark (J), the rules were suspended, and the House concurred in and adopted the resolution, S.J.R. 27, set out in the foregoing Message from the Senate.

RESOLUTIONS

The following resolution was introduced and distributed according to Joint Rule 11:

By Representative Layson:

H.R. 86. COMMENDING JOHNNIE LEWIS OF NORTHPORT, "MS. SENIOR ALABAMA" FOR 1990-91.

Also:

The following resolution was introduced:

By Representative Layson:

H.J.R. 87. COMMENDING JOHNNIE LEWIS OF NORTHPORT, "MS. SENIOR ALABAMA" FOR 1990-91.

WHEREAS, the Alabama House of Representatives, in highest commendation, most heartily congratulates Johnnie Lewis of Northport, our state's 1990-91 "Ms. Senior Alabama"; and

WHEREAS, Ms. Lewis, in qualifying for statewide competition, was elected

"Ms. Tuscaloosa County," sponsored by DCH Regional Medical Center, Focus on Senior Citizens, Business and Professional Women's Club of Northport and the Tuscaloosa County Park and Recreation Authority; and

WHEREAS, a warm and gracious lady, Ms. Lewis' talent offering was a very beautiful vocal rendition of "Bali Hai" from the Broadway musical hit, "South Pacific" by Rodgers and Hammerstein; and

WHEREAS, Ms. Lewis, however, is not only extremely talented, but is an exemplar of volunteerism and civic participation through membership and activities in such organizations as AARP, Alabama Gerontological Society, Golden Years, Tuscaloosa Music Club, Tuscaloosa Civic Chorus, Druid City Garden and Study Club, Northport Business and Professional Women's Club, Northport Baptist Church and NBC Trailways, a senior adult club; and

WHEREAS, Ms. Lewis is indeed deserving of highest praise for her commitment to the community, most particularly in organizations of service to senior citizens, and is to be congratulated on her selection as "Ms. Senior Alabama" for 1990-91; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we hereby most highly commend Ms. Johnnie Lewis of Northport, Alabama, for outstanding achievement, and do further direct that she receive a copy of this resolution of sincere regard.

On motion of Representative Layson, the rules were suspended and the resolution, H.J.R. 87, was adopted.

RECESS

On motion of Representative Campbell, the House recessed for the purpose of hearing an address by the Honorable E. C. "Sonny" Hornsby, Chief Justice, Alabama Supreme Court.

JOINT SESSION

In accordance with Act 89-43, the Senate and the House of Representatives of the Legislature of Alabama met in joint session in the Hall of the House of Representatives for the purpose of hearing the annual address by Chief Justice E. C. "Sonny" Hornsby.

The joint session was called to order by the Honorable Jim Folsom, Lieutenant Governor and Presiding Officer of the Senate.

The Lieutenant Governor and Presiding Officer of the Senate announced that the purpose of the joint session having been accomplished, the Senate would retire to its Chamber.

The Speaker of the House then called the House to order.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and passed the following engrossed Senate Bill and sends same herewith to the House:

By Senators Smith (J), Bolling, Ghee, Hale, and Mitchell:

S. 79. To establish the requirements for informed consent for HIV testing; to provide that informed consent shall be implied under certain stated factual circumstances; to provide for counseling, referral to appropriate health care services, and explanation of individual responsibility shall be provided to any individual testing positive for HIV; and to provide for the confidentiality of HIV test results.

MCDOWELL LEE
Secretary

SENATE MESSAGE

The Senate Bill, the title of which is set out in the foregoing Message from the Senate, was read one time and referred to the appropriate Standing Committee as follows:

S. 79. Health.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and passed the following Senate Bill and ordered same sent forthwith to the House:

By Senator Smith (J) (With Notice and Proof):

S. 60. Relating to Limestone County and the regulation and operation of privately-owned or controlled regional landfills for solid waste so as to further provide for such solid waste landfill operation and location within the county; providing that any such regulation and restriction shall be cumulative to any other provisions of law, rule or regulation on solid waste; and requiring the Limestone County Commission to call for a referendum election on the question of location or acceptance of any privately-owned or controlled regional landfill within the county prior to such operation, location or acceptance; and providing severability and effective date.

I HEREBY CERTIFY THAT THE NOTICE AND PROOF IS ATTACHED TO THE BILL, S. 60, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975, ACT NO. 919.

MCDOWELL LEE, SECRETARY

**MCDOWELL LEE
Secretary**

SENATE MESSAGE

The Senate Bill, the title of which is set out in the foregoing Message from the Senate, was read one time and referred to the appropriate Standing Committee as follows:

S. 60. Commerce, Transportation and Utilities.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and passed the following Senate Bills and ordered same sent forthwith to the House:

By Senator Windom:

S. 37. Relating to the administration of fiduciary accounts by duly authorized banks and trust companies by requiring timely investment of idle funds, by setting a quality standard, requiring a reasonable rate of return, providing for compensation and providing for the application of this act to fiduciary accounts now existing or hereafter created.

Also:

By Senators Bolling, Ghee, Hale, Dixon, Owens, Amari, Bailey, Waggoner, Bedsole, Dial, Smith (J), Denton, Campbell, Mitchell, Little, Ellis, deGraffenried, Floyd, Preuitt, and Smith (B):

S. 47. To amend Sections 27-26-5 and 34-24-56, Code of Alabama 1975, relating to the reporting of medical malpractice judgments and settlements, so as to provide further for the reporting of judgments and settlements entered against professional corporations.

**MCDOWELL LEE
Secretary**

SENATE MESSAGE

The Senate Bills, the titles of which are set out in the foregoing Message from the Senate, were severally read one time and referred to the appropriate Standing Committees as follows:

S. 37. Banking.

S. 47. Health.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and passed the following Senate Bill and ordered same sent forthwith to the House:

By Senator deGraffenried:

S. 135. To amend Section 11-81-21, Code of Alabama 1975, relating to investment of municipal or county funds, so as to permit municipal and county funds to be invested in certain open-end or closed-end investment trusts which are invested in direct obligations of the United States of America or repurchase agreements respecting such U. S. obligations.

MCDOWELL LEE
Secretary

SENATE MESSAGE

The Senate Bill, the title of which is set out in the foregoing Message from the Senate, was read one time and referred to the appropriate Standing Committee as follows:

S. 135. Banking.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and adopted the following Senate Joint Resolutions and sends same herewith to the House for its consideration:

By Senator Horn:

S.J.R. 38. COMMENDING COACH HAYWOOD SCISSUM OF TUSKEGEE, ALABAMA, FOR OUTSTANDING ACHIEVEMENT.

Also:

By Senators Horn, Hilliard, Waggoner, Amari, Parsons, and Bennett:

S.J.R. 39. COMMENDING COACH W. H. "CAP" BROWN OF BIRMINGHAM, ALABAMA, FOR OUTSTANDING ACHIEVEMENT.

MCDOWELL LEE
Secretary

SENATE MESSAGE

On motion of Representative Holmes, the rules were suspended, and the House concurred in and adopted the resolution, S.J.R. 38, the title of which is set out in the foregoing Message from the Senate.

Also:

On motion of Representative Holmes, the rules were suspended, and the House concurred in and adopted the resolution, S.J.R. 39, the title of which is set out in the foregoing Message from the Senate.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and adopted the following Senate Joint Resolution and sends same herewith to the House for its consideration:

By Senator Hale:

S.J.R. 40. COMMENDING CHESTER FREEMAN OF CULLMAN, ALABAMA.

MCDOWELL LEE
Secretary

SENATE MESSAGE

On motion of Representative Holmes, the rules were suspended, and the House concurred in and adopted the resolution, S.J.R. 40, the title of which is set out in the foregoing Message from the Senate.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and adopted the following Senate Joint Resolutions and sends same herewith to the House for its consideration:

By Senator Figures, Bedsole, Windom, and Lipscomb:

S.J.R. 29. NAMING THE NEW BRIDGE ON BAY BRIDGE ROAD IN MOBILE, ALABAMA, WHICH SPANS THE MOBILE RIVER, THE "COCHRANE-AFRICATOWN USA BRIDGE."

Also:

By Senator Barron:

S.J.R. 30. DESIGNATING "TALK ABOUT PRESCRIPTION MONTH" IN ALABAMA, AND "ALABAMA PHARMACY WEEK."

Also:

By Senators Little and Sanders:

S.J.R. 33. COMMENDING ROBERT M. CRESWELL OF CAMDEN, ALABAMA, RECIPIENT OF THE MEDAL OF HONOR FROM THE NATIONAL SOCIETY OF THE DAUGHTERS OF THE AMERICAN REVOLUTION.

Also:

By Senator Bolling:

S.J.R. 34. URGING THE UNITED STATES CONGRESS TO LEGISLATIVELY RESOLVE THE "NOTCH BABY" SOCIAL SECURITY INEQUITY.

MCDOWELL LEE
Secretary

SENATE MESSAGE

On motion of Representative Buskey (JE), the rules were suspended, and the House concurred in and adopted the resolution, S.J.R. 29, the title of which is set out in the foregoing Message from the Senate.

Also:

On motion of Representative Mikell, the rules were suspended, and the House concurred in and adopted the resolution, S.J.R. 30, the title of which is set out in the foregoing Message from the Senate.

Also:

On motion of Representative Holmes, the rules were suspended, and the House concurred in and adopted the resolution, S.J.R. 33, the title of which is set out in the foregoing Message from the Senate.

Also:

On motion of Representative Morrow, the rules were suspended, and the House concurred in and adopted the resolution, S.J.R. 34, the title of which is set out in the foregoing Message from the Senate.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and adopted the following Senate Joint Resolution and sends same herewith to the House for its consideration:

By Senator Hilliard:

S.J.R. 43. URGING THE PROMPT IMPLEMENTATION OF AN INFORMATION SYSTEM NECESSARY TO ASCERTAIN THE IMPACT OF PROPOSED LEGISLATION ON THE STATE JUDICIAL AND CORRECTIONAL SYSTEMS

WHEREAS, the number of persons in the custody of Alabama's Department of Corrections has increased from 14,200 in March, 1990 to 16,045 in March, 1991; and

WHEREAS, there is a backlog of 1,360 state prisoners in county jails as of March, 1991; and

WHEREAS, a number of bills are considered by the Legislature each year that would impose mandatory sentences, increase sentences for certain crimes, increase sentences for crimes committed under certain circumstances and establish new classifications of crimes; and

WHEREAS, the Legislature needs detailed information as to the fiscal effect of said proposed bills on the Judicial System and the Correctional facilities and agencies within the State; and

WHEREAS, the information needed to provide reliable and detailed analysis on said bills is not collected, reported or readily available; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we hereby urge the Administrative Office of the Courts and the Department of Corrections to promptly implement a uniform system of collecting and reporting information pertaining to the arrest, conviction and sentencing of persons in the judicial and correctional systems.

Such reporting system should be designed in such a way as to accurately and uniformly capture data necessary to analyze the effect of legislation that would alter sentences for crimes or establish new classifications of crimes.

BE IT FURTHER RESOLVED, That we hereby urge the Board of Pardons and Paroles, District Attorneys, and the Legislative Fiscal Office to cooperate fully with the Administrative Office of the Courts and the Department of Corrections in the development and implementation of a reporting system necessary to provide the information needed for analyzing the effect of potential legislation.

BE IT FURTHER RESOLVED, That we hereby urge the implementation of such a reporting system prior to the convening of the 1992 Regular Session if possible.

BE IT FURTHER RESOLVED, That copies of this resolution be presented to the Honorable Chief Justice Sonny Hornsby; Commissioner Morris Thigpen of the Department of Corrections; Mr. Joel Barfoot, Chairman of the Board of Pardons and Paroles; Mr. Bryan Morgan, Executive Director of the Office of Prosecution Services, for distribution to all District Attorneys of the State; and Joyce Bigbee, Director of the Legislative Fiscal Office.

MCDOWELL LEE
Secretary

The resolution, S.J.R. 43, was read and referred to the Standing Committee on Rules.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and adopted the following Senate Joint Resolution and sends same herewith to the House for its consideration:

By Senators Hilliard, Bennett, Horn, Langford, and Campbell:

S.J.R. 42. DIRECTING THE LEGISLATIVE COUNCIL TO INTERVENE IN CIVIL ACTION, CASE NO. 91-277 PENDING IN MONTGOMERY COUNTY WHICH CHALLENGES THE APPROPRIATION OF CERTAIN STATE FUNDS.

WHEREAS, the Alabama Legislature is charged by the Alabama Constitution with the duty of appropriating state funds; and

WHEREAS, Act No. 90-648 and Act No. 90-653 were enacted by the Legislature in the 1990 Regular Session; and

WHEREAS, said Acts have been challenged as unconstitutional in Civil Action, Case No. 91-277 and is currently pending in Circuit Court in Montgomery County; and

WHEREAS, said cause of action was filed against the Honorable Guy Hunt, as Governor; Robin Swift, as Finance Director; Robert Childree, as State Comptroller; and Jimmy Evans, as Attorney General; and

WHEREAS, the foregoing defendants have evidenced little, if any, interest in the defense of said action; and

WHEREAS, duly-enacted laws are presumed to be constitutional, now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we hereby direct the Legislative Council to intervene in Civil Action, Case No. 91- 277, styled Parsons v. Honorable Guy Hunt, et. al. on behalf of a majority of members of the duly-elected Alabama Legislature and further direct the Legislative Council to defend the constitutionality of Acts No. 90-648 and 90-653.

BE IT FURTHER RESOLVED, That the Legislative Council is hereby authorized to request the Attorney General of the State of Alabama to provide legal assistance for the Council or is authorized to employ outside legal assistance to assist the Council in this action as deemed necessary.

BE IT FURTHER RESOLVED, That expenses incurred by the Legislative Council pursuant to this resolution shall be payable from any funds appropriated to the Legislature.

MCDOWELL LEE
Secretary

The resolution, S.J.R. 42, was read and referred to the Standing Committee on Rules.

RESOLUTION

The following resolution was introduced:

By Representative Campbell:

H.R. 88. RELATIVE TO MEETING DAYS

BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES, That when we adjourn today, Thursday, April 24, 1991, we adjourn to meet again on Tuesday, April 30, 1991, at 1:00 P.M.

On motion of Representative Buskey (JE), the rules were suspended and the resolution, H.R. 88, was adopted.

CERTIFICATE OF CLERK

To the House of Representatives:

I hereby certify that the House Joint Resolutions mentioned were delivered to the Executive Department on the date and hour named and that I hold the receipt of the Executive Department for same.

Delivered to the Governor at 12:15 P.M. on April 25, 1991.

H.J.R. 64	H.J.R. 8
H.J.R. 6	H.J.R. 9
H.J.R. 14	H.J.R. 12
H.J.R. 26	H.J.R. 17
H.J.R. 27	H.J.R. 23
H.J.R. 51	H.J.R. 24
H.J.R. 44	H.J.R. 25
H.J.R. 52	H.J.R. 28
H.J.R. 54	H.J.R. 30
H.J.R. 16	H.J.R. 31
H.J.R. 18	H.J.R. 32
H.J.R. 19	H.J.R. 67
H.J.R. 20	H.J.R. 68
H.J.R. 22	H.J.R. 69
H.J.R. 46	H.J.R. 72
H.J.R. 47	H.J.R. 74
H.J.R. 56	H.J.R. 75
H.J.R. 57	H.J.R. 77
H.J.R. 58	H.J.R. 78
H.J.R. 59	

JOHN W. PEMBERTON
Clerk

ADJOURNMENT

On motion of Representative Holmes and pursuant to the resolution, H.R. 88, heretofore adopted, the House adjourned until 1:00 o'clock p.m., Tuesday, April 30, 1991.

Yeas 33; Nays 27.

Yea:

Mr. Speaker, Anderson, Black (L), Blakeney, Bryant, Buskey (JE), Buskey (JL), Cagle, Campbell, Clark (W), Clay, Crow, Cullins, Dolbare, Freeman, Hall, Harvey, Hogan, Holmes, Kennedy, McClain, McDowell, Millican, Morton, Newman, Parker (P), Rogers (F), Rogers (J), Smith (R), Spratt, Thomas, White and Willis.

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Nay:

Representatives Beasley, Black (M), Flowers, Gaines, Gaston, Gullatt, Hamilton, Haney, Haynes, Holley, Johnson, Kvalheim, Layson, Mathis, McDaniel, Mikell, Morrow, Newton (C), Parker (T), Poole, Powell, Rich, Rockhold, Sanderford, Sanderson, Venable and Zoghby.

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FIFTH DAY

**House of Representatives
Montgomery, Alabama
Tuesday, April 30, 1991**

The House met pursuant to adjournment.

PRAYER

The session was opened with prayer by Reverend Billy Walker, The Church of Montgomery, Montgomery, Alabama.

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Wendy Haggard, South Lamar High School, Millport, Alabama.

ROLL CALL

On a call of the roll of the House, the following members answered to their names:

Mr. Speaker, Anderson, Barnes, Beasley, Biddle, Black (L), Black (M), Blakeney, Bowling, Box, Bryant, Bugg, Burke, Buskey (JE), Buskey (JL), Butler, Cagle, Campbell, Carns, Carothers, Carter, Clark (W), Clay, Cosby, Crow, Cullins, Curry, Dolbare, Drake, Escott-Russell, Flowers, Ford, Freeman, Fuller, Gaines, Gaston, Goodwin, Grayson, Gullatt, Hall, Hamilton, Hammett, Haney, Harper, Harvey, Hawkins, Haynes, Higginbotham, Hill, Hogan, Holladay, Holley, Holmes, Hooper, Johnson, Kennedy, Knight, Kvalheim, Laird, Layson, Letson, Lindsey, Mathis, McClain, McDaniel, McDowell, McKee, McMillan, Melton, Mikell, Millican, Morrow, Morton, Newman, Newton (C), Newton (D), Parker (P), Parker (T), Payne, Penry, Perdue, Petelos, Poole, Powell, Rich, Richardson, Rockhold, Rogers (F), Rogers (J), Sanderford, Sanderson, Smith (C), Smith (R), Spratt, Starkey, Thomas, Turner, Turnham, Venable, Walker, Warren, White, Williams, Willis and Zoghby.

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A quorum was present.

REPORT OF STANDING COMMITTEE ON RULES

House of Representatives:

Your Standing Committee on Rules begs leave to report that it has carefully examined the Journal of the House for the fourth legislative day and finds the same to be correct.

TOMMY CARTER
Chairman

On motion of Representative Carter, the reading at length of the Journal of the House for the fourth legislative day was dispensed with, the Report of the Standing Committee on Rules was concurred in and adopted and the Journal for the fourth legislative day was approved.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has concurred in and adopted the following House Joint Resolution and returns same herewith to the House:

H.J.R. 83. URGING THE SECRETARY OF THE U. S. DEPARTMENT OF AGRICULTURE TO EXTEND HIS AGENCY'S PERSONNEL AGREEMENT WITH THE STATE OF ALABAMA REGARDING ANDREW P. HORNSBY, JR.

MCDOWELL LEE
Secretary

BILLS ON SECOND READING

Representative Carothers, Chairperson of the Standing Committee on Health, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, and they were severally read a second time and placed on the Calendar, to-wit:

S. 47. To amend Sections 27-26-5 and 34-24-56, Code of Alabama 1975, relating to the reporting of medical malpractice judgments and settlements, so as to provide further for the reporting of judgments and settlements entered against professional corporations.

S. 79. To establish the requirements for informed consent for HIV testing; to provide that informed consent shall be implied under certain stated factual circumstances; to provide for counseling, referral to appropriate health care services, and explanation of individual responsibility shall be provided to any individual testing positive for HIV; and to provide for the confidentiality of HIV test results.

Representative Bowling, Chairperson of the Standing Committee on Local Legislation No. 1, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, and they were severally read a second time and placed on the Calendar, to-wit:

H. 417. Relating to Pike County, to repeal Act 85-609, H. 1006 of the 1985 Regular Session (Acts of 1985, p. 935), which provided an expense allowance for members of the Pike County Commission.

H. 446. Relating to Marion County; to provide further for expense allowances for the chairman and associate commissioners of the county commission; and to provide for retroactive effect.

H. 465. Relating to the Town of Rutledge in Crenshaw County; providing further for the manner of electing the members of the city council so as to remove the designation of place number for any council member; providing method of voting for council members; providing for the elimination of runoff elections; prescribing that, except as herein provided, all other laws or resolutions or ordinances governing the operation of the city council and its members shall continue.

Representative Petelos, Chairperson of the Standing Committee on Local Legislation No. 2, reported that said Committee in session had acted on the

following bill and ordered same returned to the House with a favorable report, with amendment, and it was read a second time and placed on the Calendar, to-wit:

H. 43. (With Amendment): Relating to the City of Birmingham in Jefferson County; to amend Act No. 929, 1951 Regular Session, as extensively amended by Act No. 1272, 1973 Regular Session, and other amendatory acts, relating to loans to participants and retirees of Class I municipalities which are covered by a pension and relief or retirement and relief system for municipal officers and employees, so as to provide that participant's or retiree's loans shall be repaid in a period of sixty (60) months or less from the date of such loan and to provide further for the interest charged on such loans.

RESOLUTIONS

The following resolutions were introduced:

By Representatives Knight, Holley, Anderson, Barnes, Beasley, Biddle, Black (L), Black (M), Blakeney, Bowling, Box, Bryant, Bugg, Burke, Buskey (JE), Buskey (JL), Butler, Cagle, Campbell, Carns, Carothers, Carter, Clark (J), Clark (W), Clay, Cosby, Crow, Cullins, Curry, Dolbare, Drake, Escott-Russell, Flowers, Ford, Freeman, Fuller, Gaines, Gaston, Goodwin, Grayson, Gullatt, Hall, Hamilton, Hammett, Haney, Harper, Harvey, Hawkins, Haynes, Higginbotham, Hill, Hogan, Holladay, Holmes, Hooper, Johnson, Kennedy, Kvalheim, Laird, Layson, Letson, Lindsey, Mathis, McClain, McDaniel, McDowell, McKee, McMillan, Melton, Mikell, Millican, Morrow, Morton, Newman, Newton (C), Newton (D), Parker (P), Parker (T), Payne, Penry, Perdue, Petelos, Poole, Powell, Rich, Richardson, Rockhold, Rogers (F), Rogers (J), Sanderford, Sanderson, Smith (C), Smith (R), Spratt, Starkey, Thomas, Turner, Turnham, Venable, Walker, Warren, White, Williams, Willis and Zoghby:

H.J.R. 89. DESIGNATING "DR. LEON DAVIS DAY."

WHEREAS, Coach Leon Davis has served the University of Montevallo faithfully for 27 years, the last 22 of which have been as Athletic Director; and

WHEREAS, he has announced his plans to retire in August; and

WHEREAS, he has coached the Golf Team since 1971, producing three All-Americans and several teams ranked in the NAIA top twenty; and

WHEREAS, he has served many years on the NAIA Executive Committees, both at the district and national levels, thereby providing important leadership; and

WHEREAS, he has served four year terms as the fourth, third, second and first vice president of NAIA; and

WHEREAS, Dr. Davis has been named to the University of Montevallo

Sports Hall of Fame and the NAIA Hall of Fame; and

WHEREAS, he is the one person most responsible for the development of the University of Montevallo's outstanding athletic program, having served as UM's first men's basketball coach and its only athletic director; and

WHEREAS, The University of Montevallo and the State will miss his active leadership as Athletic Director, but know that his many contributions will continue even in retirement; and

WHEREAS, the fruits of his labors are seen throughout our State and nation in the lives of former student athletes who learned under his able direction and who are now contributing as active, responsible citizens and leaders; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we do hereby salute and applaud Dr. Leon Davis as he nears his retirement, and do also salute the various athletic teams over which he has provided key leadership.

BE IT FURTHER RESOLVED, That we hereby designate the date of the Sports Banquet at the University of Montevallo as "DR. LEON DAVIS DAY" and direct a copy of this resolution be provided to Dr. Davis as a token of our high regard, esteem, and respect and with sincere best wishes for a happy retirement.

On motion of Representative Knight, the rules were suspended and the resolution, H.J.R. 89, was adopted.

Also:

By Representative Letson:

H.J.R. 90. CREATING A JOINT INTERIM LEGISLATIVE COMMITTEE ON THE ENVIRONMENT.

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That there is hereby created a joint interim legislative committee to study the environment. The committee shall be composed of three members of each house, to be appointed by the presiding officer of each house. The chairman and vice chairman of the committee shall be elected at the first meeting by the members of the committee. The committee shall study all facets of the issues affecting the environment within the state, including, but not limited to, issues affecting land, air and water quality.

Upon the request of the chairman, the Secretary of the Senate and the Clerk of the House shall provide such clerical assistance as may be necessary for the committee's work. The committee shall report its findings, conclusions and recommendations to the legislature not later than the 10th legislative day of the 1992 Regular Session. Each member of the committee shall be entitled to his regular legislative compensation, his per diem and travel expenses for each day he attends a meeting of the committee which shall be paid out of any funds

appropriated to the use of the legislature, upon warrants drawn on the state comptroller upon requisitions signed by the committee's chairman; provided, however, that members shall not receive additional legislative compensation or per diem when the legislature is in session or if a member is being paid any other payments on the same dates for attendance of other state business. The total expenditures of the committee shall not exceed \$5,000.00. The committee shall have subpoena power.

The resolution, H.J.R. 90, was read and referred to the Standing Committee on Rules.

Also:

By Representative Campbell:

H.R. 91. RELATIVE TO MEETING DAYS

BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES, That when we adjourn today, Tuesday, April 30, 1991, we adjourn to meet again on Thursday, May 2, 1991, at 10:00 a.m.

On motion of Representative Campbell, the rules were suspended and the resolution, H.R. 91, was adopted.

MESSAGE FROM THE SENATE

Mr. Speaker:

The President and Presiding Officer of the Senate having signed the following Senate Joint Resolutions, your signature thereto is requested:

S.J.R. 13. INVITING UNITED STATES ATTORNEY GENERAL RICHARD L. THORNBURGH TO ADDRESS A JOINT SESSION OF THE ALABAMA LEGISLATURE, IN RECOGNITION OF THE YEAR COMMEMORATING THE BILL OF RIGHTS.

Also:

S.J.R. 29. NAMING THE NEW BRIDGE ON BAY BRIDGE ROAD IN MOBILE, ALABAMA, WHICH SPANS THE MOBILE RIVER, THE "COCHRANE-AFRICATOWN USA BRIDGE."

Also:

S.J.R. 30. DESIGNATING "TALK ABOUT PRESCRIPTION MONTH" IN ALABAMA, AND "ALABAMA PHARMACY WEEK."

Also:

S.J.R. 33. COMMENDING ROBERT M. CRESWELL OF CAMDEN, ALABAMA, RECIPIENT OF THE MEDAL OF HONOR FROM THE NATIONAL SOCIETY OF THE DAUGHTERS OF THE AMERICAN REVOLUTION.

Also:

S.J.R. 34. URGING THE UNITED STATES CONGRESS TO LEGISLATIVELY RESOLVE THE "NOTCH BABY" SOCIAL SECURITY INEQUITY.

Also:

S.J.R. 38. COMMENDING COACH HAYWOOD SCISSUM OF TUSKEGEE, ALABAMA, FOR OUTSTANDING ACHIEVEMENT.

Also:

S.J.R. 39. COMMENDING COACH W. H. "CAP" BROWN OF BIRMINGHAM, ALABAMA, FOR OUTSTANDING ACHIEVEMENT.

Also:

S.J.R. 40. COMMENDING CHESTER FREEMAN OF CULLMAN, ALABAMA.

MCDOWELL LEE
Secretary

SIGNING OF SENATE JOINT RESOLUTIONS

The Speaker of the House, in the presence of the House, immediately after the titles had been publicly read by the Clerk, the reading at length having been dispensed with by a two-thirds vote of a quorum present, signed the Senate Joint Resolutions, the titles of which are set out in the foregoing Message from the Senate.

INTRODUCTION OF BILLS

Upon a call of Districts, bills were introduced, severally read one time and referred to appropriate standing committees as follows:

By Representative Fuller:

H. 492. To amend Section 34-3-3 of the Code of Alabama 1975, relating to admission fees for applicants to the state bar, so as to provide further for such fees.

COMMITTEE ON JUDICIARY

By Representative Black (L) (With Notice and Proof):

H. 493. Relating to Sumter County; providing certain additional compensation for the poll workers to be paid from the county general fund.

COMMITTEE ON LOCAL LEGISLATION NO. 1

I HEREBY CERTIFY THAT THE NOTICE & PROOF IS ATTACHED TO THE BILL, H. 493, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON, CLERK

By Representative Carothers:

H. 494. To provide that the county commission of the several counties of this state shall have the power to levy and collect additional privilege license taxes, excise taxes, ad valorem taxes, and sales and use taxes; providing that any such county commission may, in its discretion, submit the question of levying any such tax to a vote of the qualified electors of the county; providing for the disposition of the proceeds of such taxes; and repealing conflicting laws.

COMMITTEE ON LOCAL GOVERNMENT

By Representatives McMillan and Penry (With Notice and Proof):

H. 495. Relating to Baldwin County; authorizing the county board of education to furnish certain equipment, supplies, and services heretofore furnished by the county governing body and relieving the county governing body of the responsibility of furnishing such equipment, supplies, and services.

COMMITTEE ON LOCAL LEGISLATION NO. 1

I HEREBY CERTIFY THAT THE NOTICE & PROOF IS ATTACHED TO THE BILL, H. 495, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON, CLERK

By Representative Penry:

H. 496. To amend §2-14-1, Code of Alabama (1975) by defining the terms "board" and "pest"; to amend §§2-14-2, 2-14-4, 2-14-5, 2-14-6, 2-14-9, 2-14-10, 2-14-11, 2-14-12, 2-14-13 and 2-14-14, Code of Alabama (1975), by replacing the term "infectious and contagious diseases" to read "pests"; to amend Section 2-14-3 to allow the State Board of Agriculture and Industries to set registration fees from \$5 up to \$150; to prohibit the movement of honeybees into Alabama upon determination of threat of pests to the honeybee industry in Alabama.

COMMITTEE ON AGRICULTURE, FORESTRY
AND NATURAL RESOURCES

By Representative Johnson:

H. 497. To authorize the State Board of Health to expend not more than \$1.5 million annually to make liability insurance premium grants to family practitioners, pediatricians and obstetricians who establish obstetrical practices in rural or underserved areas; to establish a maximum limit for the grant and authorize the State Board of Health to annually adjust such maximum limit to allow for annual premium increases; to establish criteria for eligibility; and for other purposes.

COMMITTEE ON HEALTH

By Representative Drake:

H. 498. To provide that a buyer may cancel certain solicitation sales for goods, property, real estate or services within a certain period of time and to provide for exceptions.

COMMITTEE ON JUDICIARY

By Representative Drake:

H. 499. To amend Section 2-3-22 which states that the operation of any facility or market constructed under this article shall be under the commissioner of agriculture and industries and that he is empowered to employ personnel in the unclassified service to now allow the commissioner to employ one person in the unclassified service for each market owned, controlled, or managed by the board or department of agriculture and industries.

COMMITTEE ON AGRICULTURE, FORESTRY
AND NATURAL RESOURCES

By Representative Carter (With Notice and Proof):

H. 500. Relating to Limestone County; providing that there shall be only one landfill in the county.

COMMITTEE ON LOCAL LEGISLATION NO. 1

I HEREBY CERTIFY THAT THE NOTICE & PROOF IS ATTACHED TO THE BILL, H. 500, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON, CLERK

By Representative Morrow:

H. 501. To amend Section 2-6-1 which creates and establishes an agricultural center board so that the commissioner of agriculture and industries shall be chairman of the board instead of the governor appointing the chairman.

COMMITTEE ON AGRICULTURE, FORESTRY
AND NATURAL RESOURCES

By Representatives Morrow, Newman, Millican, Anderson, Sanderson, and Hill:

H. 502. To facilitate vehicular traffic and safety in the state by providing for the establishment and incorporation of "West Alabama Toll Road Authority" and providing for it to finance, purchase, construct and operate a certain four-lane toll road down the western side of the state; providing that construction of the toll road shall be done on the basis of force account and that the construction work shall be done by convict labor; defining further its powers and duties; authorizing the issuance of revenue bonds payable from tolls and other revenues to pay the cost of such toll road project; providing that no debt of the state shall be incurred in the exercise of any of the powers granted by this act; providing for the collection of tolls and other revenues for the payment of such bonds and for the cost of maintenance, operation and repair of such toll road project; making such bonds exempt from taxation and constituting them legal investments in certain instances; prescribing conditions upon which such toll road project shall become free; providing for condemnation; granting certain powers and authority to municipal subdivisions and agencies of the state to cooperate with the authority; authorizing the issuance of revenue refunding bonds; making an appropriation to pay initial expenses and providing for the repayment thereof; and prescribing penalties.

**COMMITTEE ON COMMERCE,
TRANSPORTATION AND UTILITIES**

By Representative Carothers:

H. 503. To amend Section 26-16-30 of the Code of Alabama 1975, relating to the children's trust fund so as to provide further for regulating the investment of trust fund money.

COMMITTEE ON HEALTH

By Representatives Beasley, McDaniel, Crow, Willis, Mathis, Layson, Newton (C), Holley, Venable, Black (L), Bryant, Mikell, Blakeney, Buskey (JL), Thomas, Carothers, Newman, Kvalheim, Clark (J), Flowers, Hooper, Hall, Poole, Payne, Biddle, Johnson, Anderson, and Haynes:

H. 504. To amend Sections 8-19-3, 8-19-5, 8-19-6 and 8-19-8, Code of Alabama 1975, relating to the Deceptive Trade Practices Act, so as to define certain terms and unlawful trade practices; to clarify the unlawful trade practice of odometer tampering and to provide as an unlawful trade practice certain acts relating to promotional giveaways, health spas, career consulting firms, credit repair services and debt adjustment services for a fee; to authorize the attorney general to formulate rules and regulations for enforcing this act; to provide for execution of voluntary compliance agreement; and to provide felony penalties for specific violations.

COMMITTEE ON BUSINESS AND LABOR

By Representative Haynes:

H. 505. To amend Section 9-11-244, Code of Alabama 1975, relating to the

taking of certain protected birds or animals by bait, so as to provide for an exception for certain hunting of migratory birds.

COMMITTEE ON HEALTH

By Representative Haynes:

H. 506. To authorize municipalities or counties when unincorporated territory is involved to acquire sites, purchase and construct homeless shelters, halfway houses and emergency housing, and affordable single and multi-family dwellings; to receive funds for said use; to sell and issue bonds; to execute mortgages and deeds; to appropriate or lend funds to any public or private not-for-profit corporation created to fund such housing and dwellings; to join other municipalities in the exercise of such powers; to require that all construction authorized pursuant to this act shall be performed by a licensed general contractor; and to require said construction shall be subject to the state competitive bid laws.

COMMITTEE ON LOCAL GOVERNMENT

By Representative Haynes:

H. 507. To provide for a cost-of-living increase to each pensioner and annuitant whose retirement is based upon service to an employer participating in the Employees' Retirement System under section 36-27-6, Code of Alabama 1975, but who retired prior to such employer's participation in said system, provided the employer elects to come under the provisions of the act.

COMMITTEE ON WAYS AND MEANS

By Representative Haynes:

H. 508. To amend section 25-5-77, Code of Alabama 1975, which relates to expenses of medical and surgical treatment, vocational rehabilitation, medicine, nutritional supplementation and medical or surgical examinations under worker's compensation so as to provide that injured employees shall have a choice of a physician in the event the injured employee is dissatisfied with the initial treating physician selected by the employer and if further treatment is required, and to provide that the employer shall be liable for all such treatments.

COMMITTEE ON INSURANCE

By Representatives Hooper, Goodwin, Williams, White, Turnham, McClain, Turner, Biddle, Knight, Sanderford, Hill, Clark (J), Millican, Haynes, Johnson, Flowers, Gaston, Kvalheim, Harper, Beasley, Burke, Carothers, Ford, Poole, Black (L), Thomas, Layson, Cosby, Mathis, Cullins, McDowell, McKee, Blakeney, Fuller, Willis, Bowling, Black (M), Crow, Smith (R), Spratt, Rogers (J), Warren, Hogan, Cagle, Morrow, Drake, Gullatt, and Hawkins:

H. 509. To amend Section 12-17-81, Code of Alabama 1975, relating to salaries of the circuit clerks of this state; to provide that the salaries of circuit

clerks shall be a proportionate amount of the circuit judges' salaries as was in effect October 1, 1977; and to provide an effective date of October 1, 1992 for the provisions of this act.

COMMITTEE ON WAYS AND MEANS

By Representatives Hooper, Clark (J), Gaston, and Johnson:

H. 510. To amend Section 2-6A-1 by changing commission to department of agriculture and industries; to repeal Sections 2-6A-2, 2-6A-3, 2-6A-4, 2-6A-5 and 2-6A-6 which set up a farm crisis and transition commission and its operation; to set up a farm crisis and transition program under the department of agriculture and industries and to give the commissioner of agriculture and industries the power to employ staff and to conduct the program; to allow the adoption of regulations; to provide for the transfer of all personnel, equipment and files from the farm crisis and transition commission into the department of agriculture and industries; to allow the commissioner of agriculture and industries to accept contributions from any public or private source.

**COMMITTEE ON AGRICULTURE, FORESTRY
AND NATURAL RESOURCES**

By Representatives Hooper, Flowers, Hawkins, Carns, Mikell, Petelos, Newman, Curry, Knight, Letson, Ford, Bowling, Gaston, and Johnson:

H. 511. To amend Section 16-1-20 of the Code of Alabama 1975, relating to a daily period of silence for meditation in the public schools so as to cause said statute to be applicable to all grades in the public schools.

**COMMITTEE ON COMMERCE,
TRANSPORTATION AND UTILITIES**

By Representatives Barnes, Perdue, McClain, Harvey, Newton (D), and Richardson:

H. 512. To amend Section 11-52-3, Code of Alabama 1975, to authorize compensation for meetings attended by appointed members of the Planning Commission of Class 1 municipalities who are neither elected officials nor employees of the municipality.

COMMITTEE ON LOCAL GOVERNMENT

By Representative Ford:

H. 513. To amend section 11-91-8, Code of Alabama 1975, authorizing governing bodies of counties and municipalities to provide health insurance to their retired employees, so as to authorize them to allow retired employees of county and municipal agencies, boards or commissions or surviving spouses, beneficiaries and dependents of such retired employees to participate in the health insurance program.

COMMITTEE ON WAYS AND MEANS

By Representative Cosby:

H. 514. To amend sections 22-9-1, 22-9-11, 22-9-12, 22-9-30, 22-9-33 through 22-9-35, 22-9-50, 22-9-51, 22-9-70, 22-9-72, 22-9-73 and 22-9-79, relating to the Vital Statistics section to provide for a modernized system using existing technology for the collection, processing, registration and certification of vital records; to provide for an office of vital statistics and a statewide system of vital statistics; to provide for the appointment and duties of a state registrar; to establish local registration districts and local registrars; to provide for birth registration including for infants of unknown parentage, delayed birth registration and judicial procedures to establish facts of birth; to provide for death registration including delayed death registration, fetal death reports and authorization for final disposition; to provide for marriage and divorce registration; to establish procedures for amendment of vital records, disclosure of information from vital records, reproduction of vital records and copies and data from vital records; to establish fees for copies and searches for vital records; and to provide penalties for violation of this act; and to repeal sections 22-9-9, 22-9-10, 22-9-31, 22-9-32, 22-9-71 and 22-9-74 through 22-9-78.

COMMITTEE ON STATE ADMINISTRATION

By Representatives Curry, Newton (D), Petelos, Perdue, McClain, Buskey (JL), McDowell, Fuller, Hawkins, and Gullatt:

H. 515. To amend Section 22-3-1 of the Code of Alabama 1975, relating to how county boards of health are constituted, so as to authorize the presiding officer of each county commission to appoint a county commissioner to serve as a member on said boards in lieu of the presiding officer.

COMMITTEE ON LOCAL GOVERNMENT

By Representative Johnson:

H. 516. To amend Sections 34-23-1 and 34-23-32 of the Code of Alabama 1975, relating to pharmacists and pharmacies, so as to provide further for definitions relating thereto and for the registration of drug manufacturers and to provide certain fees for disposition of funds generated by this act.

COMMITTEE ON HEALTH

By Representative Box:

H. 517. To amend the Alabama Juvenile Justice Act, Sections 12-15-1, 12-15-33 and 12-15-65, Code of Alabama 1975, so as to define further the term "Delinquent Act"; to provide further for the transfer of certain cases to the juvenile court from other courts; and to provide further for the proceeding to allow a child to withdraw from school.

COMMITTEE ON JUDICIARY

By Representative Flowers:

H. 518. To amend Section 6-11-27 of the Code of Alabama (1975), relating to the liability of principal for the wrongful acts of agents, employees and servants, to add a new subsection (c), to provide that as a condition precedent to liability a principal must be given written notice of act of the agent and an opportunity to correct such act. If the act is corrected, no action shall lie against the principal.

COMMITTEE ON INSURANCE

By Representative Anderson:

H. 519. To direct the state highway department to keep its 1st division headquarters in Decatur, Alabama.

COMMITTEE ON JUDICIARY

By Representatives Newton (D), McDowell, Perdue, Sanderson, Morton, Hawkins, and Spratt:

H. 520. To exempt the Ronald McDonald House in Birmingham, Alabama, from the payment of all state, county and municipal sales and use taxes.

COMMITTEE ON WAYS AND MEANS

By Representative Harper:

H. 521. To provide the recovery of unclaimed property from certain out-of-state holders when such holders did not originate the unclaimed property and are merely intermediaries.

COMMITTEE ON WAYS AND MEANS

By Representative Harper:

H. 522. Relating to the rights of littoral owners as to the use of the surface of lakes and ponds.

COMMITTEE ON AGRICULTURE, FORESTRY
AND NATURAL RESOURCES

By Representatives Johnson and Haynes:

H. 523. Relating to nuisances; to provide that a solid waste landfill located within a distance of one mile of a geologic area having multiple sink holes or located within one mile of a private or public aquifer or source of drinking water is deemed to be a nuisance; to provide for remedies for the abatement of any such public nuisance; and to provide for remedies for the abatement of any such private nuisance.

COMMITTEE ON HEALTH

By Representative Melton (With Notice and Proof):

H. 524. Relating to Tuscaloosa County; abolishing the office of constable.

COMMITTEE ON LOCAL LEGISLATION NO. 6

I HEREBY CERTIFY THAT THE NOTICE & PROOF IS ATTACHED TO THE BILL, H. 524, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON, CLERK

By Representative Harper:

H. 525. To make an appropriation from the state general fund to the Shelby County Historical Society for the fiscal year ending September 30, 1992, and to require an operations plan and audited financial statement prior to the release of any funds.

COMMITTEE ON WAYS AND MEANS

By Representatives Petelos, Curry, and Newton (D) (With Notice and Proof):

H. 526. Relating to Jefferson County; to provide that the Jefferson County commission shall have authority to remove or demolish buildings and structures, or parts thereof, when the same are found by the county commission to be unsafe to the extent of being a public nuisance; to provide for a hearing by the county commission if requested; to authorize that the cost of such demolition shall constitute a special assessment against the lot or lots, parcel or parcels whereon the building or structure was located and that such assessment to constitute a lien on said property; to provide methods of collecting such assessments; and to authorize the tax collector to collect such assessments.

COMMITTEE ON LOCAL LEGISLATION NO. 2

I HEREBY CERTIFY THAT THE NOTICE & PROOF IS ATTACHED TO THE BILL, H. 526, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON, CLERK

By Representatives McDowell and McClain (With Notice and Proof):

H. 527. Relating to Jefferson County, to amend Act No. 406, H. 832, 1967 Regular Session, so as to delete certain exemptions and provide the county commission with authority to levy an occupational tax upon all persons and businesses to limit the amount of such business or privilege tax, and to provide a deduction for other privilege tax paid to the county.

COMMITTEE ON LOCAL LEGISLATION NO. 2

I HEREBY CERTIFY THAT THE NOTICE & PROOF IS ATTACHED TO THE BILL, H. 527, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON, CLERK

By Representative McDowell (With Notice and Proof):

H. 528. Relating to Jefferson County; prescribing the salary of the deputy judge of probate and providing for payment of such salary from the county treasury.

COMMITTEE ON LOCAL LEGISLATION NO. 2

I HEREBY CERTIFY THAT THE NOTICE & PROOF IS ATTACHED TO THE BILL, H. 528, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON, CLERK

By Representative McDowell:

H. 529. To amend Section 32-6-1, Code of Alabama 1975, which provides for the issuance and renewal of drivers' licenses, so as to provide for an eye examination upon renewal.

COMMITTEE ON STATE ADMINISTRATION

By Representatives Powell, Smith (C), and McDaniel:

H. 530. To amend Sections 16-8-26, 16-8-26.1, and 21-1-22, Code of Alabama, 1975, relating to personal leave for school personnel so as to provide for the accumulation of personal leave days.

COMMITTEE ON WAYS AND MEANS

By Representatives Thomas, Buskey (JL), Warren, Bryant, Black (L), and Zoghby:

H. 531. To authorize the Secretary of State to employ an additional employee.

COMMITTEE ON STATE ADMINISTRATION

By Representative Turner:

H. 532. To amend Section 40-25-23, Code of Alabama 1975, so as to reallocate a portion of the revenues derived from the taxes levied upon cigarettes authorized by Sections 40-25-2 and 40-25-41, Code of Alabama 1975, and to appropriate so much of these revenues as may be necessary for the payment of additional bonds of the State Industrial Development Authority not exceeding

\$6,000,000 in aggregate principal amount.

COMMITTEE ON WAYS AND MEANS

By Representative Turner:

H. 533. To authorize the State Industrial Development Authority to sell and issue from time to time its bonds not exceeding \$6,000,000 in principal amount in addition to those heretofore authorized to be issued by it; to prescribe certain additional powers and duties of the Authority, including (a) the power to make grants from the proceeds of the said additional bonds to counties, municipalities and local industrial development boards, economic development councils and airport authorities, subject to certain limitations, for the purposes of making certain local surveys incidental to industrial development and to grade and drain industrial sites and the means of access thereto; to provide that the Authority may issue and sell such bonds for the purpose of making the said grants; to provide for the execution, form and terms of such bonds and for the terms of sale thereof; to provide that such bonds and the income therefrom shall be exempt from taxation, that such bonds may be used to secure deposits of funds of the state and its political subdivisions, instrumentalities and agencies, shall be legal for investment of fiduciary funds and funds of the Teachers' Retirement System of Alabama, the Employees' Retirement System of Alabama, and the State Insurance Fund, and shall not create an obligation or debt of the state; to provide for the deposit, investment and disposition of the proceeds of the sale of the bonds of the Authority; to make an appropriation and pledge of funds from the special tax levied by sections 40-25-2 and 40-25-23, Code of Alabama 1975, to the extent necessary to pay the principal of and interest on bonds of the Authority; to authorize the Authority to pledge the funds so appropriated for the payment of the principal of and interest on its bonds; to provide that such principal and interest shall be payable solely from the funds so appropriated; and to provide that the state treasurer shall be the custodian of the funds of the Authority.

COMMITTEE ON WAYS AND MEANS

By Representatives Gaston, Hooper, and Clark (J):

H. 534. To amend Sections 6-6-310 and 35-9-6, Code of Alabama 1975, relating to civil procedure in termination of tenancy situations, so as to remove the necessity for demand for possession and to provide further for the notice requirements.

COMMITTEE ON COMMERCE,
TRANSPORTATION AND UTILITIES

By Representatives Hooper, Gaston, and Clark (J):

H. 535. To amend Section 35-9-1 of the Code of Alabama 1975, relating to landlord and tenant law, so as to provide for an implied covenant in every lease regarding action which threatens the welfare of the tenant, other tenants, or other persons on the premises.

COMMITTEE ON COMMERCE,
TRANSPORTATION AND UTILITIES

By Representatives Gaston, Hooper, and Clark (J):

H. 536. To amend Sections 35-9-83, 35-9-85 and 35-9-87, Code of Alabama 1975, relating to eviction actions, so as to provide further for removal to circuit court by the tenant and for appeals in said actions.

**COMMITTEE ON COMMERCE,
TRANSPORTATION AND UTILITIES**

By Representative Venable:

H. 537. To amend section 36-30-1 of the Code of Alabama 1975, relating to compensation for the death of peace officers and firemen so as to provide that the definition of peace officer shall include the alcoholic beverage control board enforcement division agents and to provide for retroactive effect.

COMMITTEE ON WAYS AND MEANS

By Representative Venable:

H. 538. To amend Section 20-2-90 of the Code of Alabama 1975, relating to the Alabama Uniform Controlled Substance Act, so as to provide further for enforcement of these provisions by the alcoholic beverage control board enforcement division and said board's agents and officers.

COMMITTEE ON STATE ADMINISTRATION

By Representative Venable:

H. 539. To amend Section 28-3A-25, Code of Alabama 1975, relating to unlawful acts and offenses under the alcoholic beverage licensing code, so as to broaden the applicability of such offenses to include among others, servants, agents or employees.

COMMITTEE ON STATE ADMINISTRATION

By Representative Harper:

H. 540. To make an appropriation from the State General Fund to the Shoals Entrepreneurial Center for the fiscal year ending September 30, 1991 and to require an operations plan and audited financial statement prior to the release of any funds.

COMMITTEE ON WAYS AND MEANS

By Representative Harper:

H. 541. To make an appropriation from the State General Fund to the Shoals Entrepreneurial Center for the fiscal year ending September 30, 1992 and to require an operations plan and audited financial statement prior to the release of any funds.

COMMITTEE ON WAYS AND MEANS

By Representatives Petelos, Curry, and Sanderson:

H. 542. Relating to the board of pardons and paroles; to amend Section 15-22-28 of the Code of Alabama 1975, relating to paroles so as to provide that neither the commissioner of corrections nor prisoners coming before the board of pardons and paroles shall be required to furnish such board with a record of prior, temporary leave granted from prison.

COMMITTEE ON JUDICIARY

By Representatives Petelos, Curry, and Sanderson:

H. 543. To authorize the board of pardons and paroles to appoint outside of the merit system former board members or retired probation and parole officers to serve as special hearing examiners from time to time; to define the powers and duties of special hearing examiners; to provide for reimbursement of certain expenses of special hearing examiners; and to provide immunity from civil actions for performance of duty as special hearing examiners.

COMMITTEE ON JUDICIARY

By Representatives Petelos, Curry, and Sanderson:

H. 544. To provide that the state administrator of the Interstate Compact for the Supervision of Parolees and Probationers shall have the authority to issue warrants for arrest of an out-of-state parolee or an out-of-state probationer when he has reason to believe that an offense or violation of parole or probation in an interstate compact case has been or is being committed; and to provide that he shall be available or on call on a 24-hour-a-day basis, seven days a week.

COMMITTEE ON JUDICIARY

By Representative Box:

H. 545. To amend Section 10-2A-281 of the Code of Alabama 1975, relating to fees for filing documents with the secretary of state so as to provide further for the fees retained in the Corporation Fund for maintenance of the computerization of records management.

COMMITTEE ON WAYS AND MEANS

By Representatives Sanderson, Barnes, Rogers (J), Gaines, Rogers (F), Carns, Curry, Newton (D), Biddle, Hawkins, Spratt, Petelos, and Morton (With Notice and Proof):

H. 546. Relating to Jefferson County; to provide for the orderly and efficient collection of municipal business license taxes with respect to corporations, firms, brokers, agents and other engaged in the business of buying, selling, leasing, renting, managing or representing others in the purchase, sale or lease of real property; and providing for an effective date.

COMMITTEE ON LOCAL LEGISLATION NO. 2

I HEREBY CERTIFY THAT THE NOTICE & PROOF IS ATTACHED TO THE BILL, H. 546, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON, CLERK

By Representatives McDowell and Sanderson:

H. 547. To propose an amendment to the Constitution of 1901, for Jefferson County, pursuant to Amendment No. 425 of the Constitution providing further for license taxes on certain real estate operations and transactions; and to provide for implementation.

COMMITTEE ON LOCAL LEGISLATION NO. 2

The above bill was read a first time at length as required by the Constitution.

By Representatives Holley, Harper, Layson, Drake, Butler, Richardson, Smith (R), Biddle, Rich, McKee, McMillan, Knight, Hill, Payne, Morton, Poole, Turner, Petelos, Gaines, Sanderson, Haney, Hall, Cullins, White, Willis, Mikell, Carothers, Laird, Hammett, Flowers, Williams, Kennedy, Clark (W), Mathis, Starkey, Carns, Sanderford, McDaniel, Hamilton, Cosby, Blakeney, Powell, Harvey, Venable, Penry, Hooper, Crow, Beasley, Newton (C), Melton, Lindsey, Goodwin, Turnham, Letson, Bowling, Haynes, Warren, Johnson, Dolbare, Bryant, Black (L), Cagle, Parker (T), Kvalheim, Gaston, Rockhold, Higginbotham, Gullatt, Hogan, Curry, Ford, Morrow, Millican, Spratt, Newman, Escott-Russell, McClain, Zoghby, Burke, Hawkins, Parker (P), Freeman, Clay, and Rogers (F):

H. 548. To amend Act No. 90-764 passed in the 1990 Regular Session which makes appropriations for ordinary expenses of the executive, legislative and judicial departments of the State by reducing the appropriation from the State General Fund to the Administrative Office of Courts and increasing the appropriation from the State General Fund to the Departmental Emergency Fund for the fiscal year ending September 30, 1991.

COMMITTEE ON WAYS AND MEANS

By Representative Johnson:

H. 549. To provide a simplified procedure for the amendment of certificates of incorporation or certificates of reincorporation of health care authorities in order to authorize every health care authority to increase the number of members on its board of directors and provide for their appointment.

COMMITTEE ON HEALTH

By Representatives Clark (J), Campbell, Harper, Carter, Harvey, Dolbare, Powell, Newman, Gullatt, Cagle, Knight, Richardson, Starkey, Beasley, Hooper, White, Higginbotham, Drake, Black (L), Turner, Cullins, Goodwin, Blakeney, Rogers (F), McClain, Hill, Clark (W), Hammett, Black (M), Turnham, Bowling, Bugg, Burke, Ford, Smith (R), Spratt, and Carothers:

H. 550. Relating to Alabama Economic and Developmental Highways and the financing of an Alabama Economic and Developmental Highway System; to name this Act; to provide definition of certain words and terms contained in this bill; to create a fund in the State Treasury which shall be called the Alabama Economic and Developmental Highway Trust Fund; to describe the Alabama Economic and Developmental Highway System and its purpose; to describe the sources of revenue for this fund; to provide the distribution and appropriation of revenues for the Alabama Economic and Developmental Highway System, County Roads, Urban Projects, and to pay Debt Service on outstanding Industrial Access Road and Bridge Corporation Bonds; to provide that if Alabama Economic and Developmental Highway System projects are constructed with Federal and/or Public Road and Bridge Funds, projects not on the Alabama Economic and Developmental Highway System may be constructed using Alabama Economic and Developmental Highway System Funds; to provide that Alabama Economic and Developmental Highway System funds may be used to supplement toll projects; to provide that Alabama Economic and Developmental Highway System Funds may be used to anticipate Federal Funds on Advance Construction Projects; to provide that appropriations for the Alabama Economic and Developmental Highway System Projects, County Roads, and Urban Projects are Capital Outlay appropriations; to provide a deficit elimination procedure; to describe the purpose for which the funds can be used; to give county commissions in the state authority to pass resolutions to levy a gasoline tax with a three year authorization limit; to describe fund reversion procedures; to give the Highway Department authority to administer this fund; to give the Highway Director authority to promulgate rules and regulations concerning the operation of this fund; to provide for a quarterly report to the Joint Highway Committee; to give the Highway Department responsibility for developing schedules of improvements to be funded; to provide for allocation and appropriation of funds allocated for the Alabama Economic and Developmental Highway System when all Alabama Economic and Developmental Highway System Projects are 100% funded; to provide for fund matching requirements for county and urban projects; to provide for fund obligation limitations; to provide for review and approval procedures by the Highway Director for county and urban projects; to provide that MPO's will have authority to administer cities Transportation Improvement Plan to be approved by the Highway Director; to provide that the Highway Director will prescribe project design criteria for county and urban projects; to provide for contracting procedures; to provide for the effective date of this Act.

COMMITTEE ON WAYS AND MEANS

By Representatives Clark (J), Campbell, Harper, Carter, Harvey, Cagle, Dolbare, Powell, Newman, Gullatt, Knight, Richardson, Starkey, Beasley, Hooper, White, Drake, Black (L), Turner, Cullins, Blakeney, Rogers (F), McClain, Hill, Clark (W), Hammett, Black (M), Turnham, Bowling, Bugg, Burke, Ford, Smith (R), Spratt, and Carothers:

H. 551. To amend Section 8-17-87 of the Code of Alabama, 1975, as amended, by increasing the inspection fee for gasoline by \$.075 per gallon and by increasing the inspection fee for diesel fuel, except diesel fuel used for certain special purposes by \$.075 per gallon and to amend Section 8-17-91 of the Code of Alabama, 1975, as amended, by providing that the proceeds from the increase in

the gasoline and diesel fuel inspection fee shall be paid into the State Treasury and deposited into the Alabama Economic and Developmental Highway Trust Fund of the State Highway Department.

COMMITTEE ON WAYS AND MEANS

By Representatives Clark (J), Campbell, Harper, Carter, Harvey, Cagle, Dolbare, Powell, Newman, Gullatt, Knight, Richardson, Starkey, Beasley, Hooper, White, Higginbotham, Drake, Black (L), Turner, Cullins, Goodwin, Rogers (F), McClain, Hill, Black (M), Turnham, Bowling, Bugg, Burke, Ford, Smith (R), Spratt, and Carothers:

H. 552. To levy a supplemental annual license tax or registration fee for each private passenger automobile, using the public highways of this state, in addition to the fees levied in Section 40-12-242 and 40-12-273(a), Code of Alabama, 1975; and to levy a supplemental annual license tax or registration fee on each truck or truck tractor, using the public highways of this state, in addition to the fees levied in Section 40-12-248 of the Code of Alabama, 1975, as amended, and Section 40-12-273(b), Code of Alabama, 1975; to provide that the proceeds from these supplemental fees be deposited in the State Treasury to the credit of the Alabama Economic and Developmental Highway Trust Fund of the State Highway Department.

COMMITTEE ON WAYS AND MEANS

By Representatives Clark (J), Campbell, Harper, Carter, Harvey, Cagle, Dolbare, Powell, Newman, Gullatt, Knight, Starkey, Richardson, Beasley, Hooper, White, Higginbotham, Drake, Black (L), Turner, Cullins, Goodwin, Blakeney, Rogers (F), McClain, Hill, Hammett, Black (M), Turnham, Bowling, Bugg, Burke, Ford, Smith (R), Spratt, and Carothers:

H. 553. To amend Section 32-8-6 of the Code of Alabama, 1975, as amended, by imposing an additional fee of \$17.00 for issuing and processing documents related to the Alabama Uniform Certificate of Title and Anti-Theft Act; by increasing the designated agent's fee from \$1.50 to \$2.50 and to provide that the additional fee of \$17.00 shall be deposited into the State Treasury to the credit of the Alabama Economic and Developmental Highway Trust Fund of the State Highway Department; and to amend Section 32-8-7 of the Code of Alabama, 1975, as amended, to increase the designated agent commission fee from \$1.50 to \$2.50.

COMMITTEE ON WAYS AND MEANS

By Representatives Clark (J), Campbell, Harper, Carter, Cullins, Harvey, Cagle, Dolbare, Powell, Newman, Gullatt, Knight, Crow, Richardson, Starkey, Beasley, Hooper, White, Higginbotham, Drake, Goodwin, Black (L), Turner, Blakeney, Rogers (F), McClain, Hill, Hammett, Black (M), Turnham, Bowling, Spratt, Bugg, Burke, Ford, Smith (R), and Carothers:

H. 554. To amend sections 40-17-1, 40-17-2, 40-17-3, 40-17-5, 40-17-14, 40-17-31, 40-17-171, 40-17-220, 40-17-221, and 40-17-240, of the Code of Alabama 1975, to provide for the quarterly refund of overpayments of certain motor fuel,

gasoline, lubricating oil excise taxes; to provide that entities specifically exempted from the payment of certain motor fuel, gasoline, and lubricating oil excise taxes by statute, shall be required to apply for a quarterly refund of taxes paid to the department of revenue; to further clarify language addressing off-road fuel usage; to require maintenance of motor fuel, gasoline, and lubricating oil records for a least three years; to establish a statute of limitations in which to file a petition for refund of overpaid and exempt motor fuel, gasoline, and lubricating oil excise taxes; to provide the commissioner of revenue with regulatory authority; and to repeal sections 40-17-11, 40-17-12, and 40-17-21 in their entireties.

COMMITTEE ON WAYS AND MEANS

By Representatives Clark (J), Campbell, Harper, Carter, Harvey, Cagle, Knight, Dolbare, Powell, Newman, Gullatt, Richardson, Starkey, Beasley, Hooper, White, Higginbotham, Drake, Black (L), Turner, Cullins, Goodwin, Blakeney, Rogers (F), McClain, Hill, Hammett, Black (M), Turnham, Bowling, Bugg, Burke, Ford, Smith (R), Spratt, and Carothers:

H. 555. To amend Section 23-6-8 of the Code of Alabama, 1975, as amended, by increasing from \$25,000,000 to \$50,000,000 the amount of bonds the Industrial Access Road and Bridge Corporation can have outstanding at any one time.

COMMITTEE ON WAYS AND MEANS

By Representatives Clark (J), Campbell, Harper, Carter, Harvey, Gullatt, Cagle, Hill, Dolbare, Powell, Newman, Knight, Richardson, Starkey, Beasley, Hooper, White, Higginbotham, Drake, Black (L), Turner, Cullins, Goodwin, Blakeney, Rogers (F), McClain, Hammett, Black (M), Turnham, Bowling, Bugg, Burke, Ford, Smith (R), Spratt, and Carothers:

H. 556. Relating to the purchase of equipment for traffic law enforcement and the appropriation of funds therefore; to appropriate annually out of the Public Road and Bridge Fund of the State Highway Department \$3,500,000 to the Department of Public Safety for the purchase of equipment for traffic law enforcement; to provide for the transfer of funds quarterly from the Public Road and Bridge Fund to the Department of Public Safety.

COMMITTEE ON WAYS AND MEANS

RECESS

On motion of Representative Campbell, the House recessed for the purpose of hearing an address by the Honorable Perry Hand, Director, State Highway Department.

JOINT SESSION

Pursuant to the resolution, S.J.R. 27, the Senate and the House of Representatives of the Legislature of Alabama met in joint session in the Hall of

the House of Representatives for the purpose of hearing an address by the Honorable Perry Hand, Director, State Highway Department.

The joint session was called to order by the Honorable Jim Folsom, Lieutenant Governor and Presiding Officer of the Senate.

The Lieutenant Governor and Presiding Officer of the Senate announced that the purpose of the joint session having been accomplished, the Senate would retire to its Chamber.

The Speaker of the House then called the House to order.

H. 482 REREFERRED

No objection being offered, the Speaker rereferred the bill, H. 482, from the Standing Committee on Insurance to the Standing Committee on Commerce, Transportation and Utilities.

H. 490 REREFERRED

No objection being offered, the Speaker rereferred the bill, H. 490, from the Standing Committee on Ways and Means to the Standing Committee on Business and Labor.

S. 60 REREFERRED

No objection being offered, the Speaker rereferred the bill, S. 60, from the Standing Committee on Commerce, Transportation and Utilities to the Standing Committee on Local Legislation No. 1.

H. 447 REREFERRED

No objection being offered, the Speaker rereferred the bill, H. 447, from the Standing Committee on Ways and Means to the Standing Committee on Agriculture, Forestry and Natural Resources.

H. 390 REREFERRED

No objection being offered, the Speaker rereferred the bill, H. 390, from the Standing Committee on Ways and Means to the Standing Committee on Agriculture, Forestry and Natural Resources.

**REPORT OF THE STANDING COMMITTEE
ON RULES ON ENROLLED AND ENGROSSED BILLS**

Mr. Speaker:

Your Standing Committee on Rules begs leave to report that it has examined the following House Joint Resolution, to-wit:

H.J.R. 83. URGING THE SECRETARY OF THE U. S. DEPARTMENT OF AGRICULTURE TO EXTEND HIS AGENCY'S PERSONNEL AGREEMENT WITH THE STATE OF ALABAMA REGARDING ANDREW P. HORNSBY, JR.

And finds same correctly enrolled.

TOMMY CARTER
Chairman

SIGNING OF HOUSE JOINT RESOLUTION

The Speaker of the House, in the presence of the House, immediately after the title had been publicly read by the Clerk, the reading at length having been dispensed with by a two-thirds vote of a quorum present, signed the House Joint Resolution, the title of which is set out in the foregoing Report of the Standing Committee on Rules.

RESOLUTIONS

The following resolutions were introduced:

By Representative Holmes:

H.J.R. 92. COMMENDING GENERAL COLIN L. POWELL, CHAIRMAN OF THE JOINT CHIEFS OF STAFF.

WHEREAS, by appointment of President Bush, General Colin L. Powell serves as the twelfth Chairman of the Joint Chiefs of Staff, Department of Defense, and in this capacity is the principal military advisor to the President, the Secretary of Defense, and the National Security Council; and

WHEREAS, General Powell, a native of New York City, graduated from City College of New York in 1951 and was commissioned a Second Lieutenant in the Regular Army through the Reserve Officer Training Corps program; and

WHEREAS, following Infantry Officer's Basic Training, and Airborne and Ranger Schools, he was assigned to Germany, where he served as a Platoon Leader, Executive Officer and Rifle Company Commander; he was sent to Vietnam in late 1962, as an Advisor to a Vietnamese Infantry Battalion, and returned in 1968, serving as an Infantry Battalion Executive Officer and Assistant Chief of Staff, G-3, 23rd Infantry Division; and

5th Day

WHEREAS, in 1971, he earned a Master of Business Administration Degree from George Washington University and, in 1972, was selected to be a White House Fellow, serving his fellowship year as Special Assistant to the Deputy Director of the Office of the President; and

WHEREAS, General Powell, in 1973, assumed command of the 1st Battalion, 32d Infantry in Korea and, upon completion of the National War College in 1976, assumed command of the 2d Brigade, 101st Airborne Division at Fort Campbell, Kentucky; and

WHEREAS, General Powell returned to Washington in 1977 to serve in the Immediate Office of the Secretary of Defense where, over the next three years, he was Senior Military Assistant to the Deputy Secretary of Defense and, for a brief period in 1979, Executive Assistant to the Secretary of Energy; and

WHEREAS, General Powell then became the Assistant Division Commander for Operations and Training, 4th Infantry Division, Fort Carson, Colorado, from 1981 to 1983, at which time he again returned to Washington to serve as Senior Military Assistant to Secretary of Defense Caspar W. Weinberger; in July 1986, he assumed command of the V U.S. Corps in Frankfurt and, prior to his current assignment, served as Commander in Chief, Forces Command, headquartered in Atlanta, Georgia, and also served as Assistant to the President for National Security Affairs from December 1987 to January 1989; and

WHEREAS, General Colin L. Powell has indeed enjoyed a distinguished military career and is the recipient of numerous awards and decorations including the Defense Distinguished Service Medal with two Oak Leaf Clusters, the Distinguished Service Medal (Army), the Legion of Merit with Oak Leaf Cluster, the Bronze Star Medal, the Air Medal, the Joint Service Commendation Medal, the Army Commendation Medal with two Oak Leaf Clusters and the Purple Heart, among others; additionally he has received the President's Citizens Medal and both the Secretary of State and the Secretary of Energy Distinguished Service Medals; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we hereby most highly commend General Colin L. Powell who, as Chairman of the Joint Chiefs of Staff, holds our nation's highest military office.

BE IT FURTHER RESOLVED, That in token of our sincere admiration and highest praise, a copy of this resolution shall be provided for General Powell.

On motion of Representative Holmes, the rules were suspended and the resolution, H.J.R. 92, was adopted.

Also:

By Representative Campbell:

H.R. 93. ACCEPTING RESIGNATION OF CLERK OF HOUSE OF REPRESENTATIVES

WHEREAS, The Alabama House of Representatives has received a letter dated April 29, 1991, from John W. Pemberton, Clerk of the Alabama House of Representatives, stating that Tuesday, April 30, 1991, will be his last day as said Clerk; and

WHEREAS, said letter constitutes the resignation of John W. Pemberton from his Office as Clerk of the House of Representatives as of April 30, 1991;

NOW, THEREFORE, BE IT RESOLVED that the House of Representatives accepts said resignation effective as of April 30, 1991.

On motion of Representative Campbell, the rules were suspended and the resolution, H.R. 93, was adopted.

Also:

By Representative Campbell:

H.R. 94. AMEND HOUSE RULES.

BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES, That the rules of House are amended, as follows:

On Page 25, by adding a new rule as follows:

Rule 83. Whenever the office of Clerk is vacant, the Assistant Clerk shall perform all of the duties of the Clerk as provided in these rules and by statute.

On motion of Representative Campbell, the resolution, H.R. 94, was adopted.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has concurred in and adopted the following House Joint Resolutions and returns same herewith to the House:

H.J.R. 87. COMMENDING JOHNNIE LEWIS OF NORTHPORT, "MS. SENIOR ALABAMA" FOR 1990-91.

Also:

H.J.R. 89. DESIGNATING "DR. LEON DAVIS DAY."

MCDOWELL LEE
Secretary

RESOLUTIONS

The following resolution was introduced and distributed according to Joint Rule 11:

By Representative McKee:

H.R. 95. COMMENDING BARBARA HAWKINS FOR OUTSTANDING COMMUNITY SERVICE.

Also:

The following resolutions were introduced:

By Representative McKee:

H.J.R. 96. COMMENDING JUDY CROCKETT OF MONTGOMERY'S THOMAS HEAD ELEMENTARY SCHOOL, RECIPIENT OF ALABAMA'S OUTSTANDING LD TEACHER AWARD.

WHEREAS, in sincere commendation, the Legislature of Alabama notes the prestigious professional recognition accorded Judy Crockett of Thomas Head Elementary School in Montgomery through the presentation of "Outstanding LD Teacher" award for the State of Alabama; and

WHEREAS, this high honor is bestowed annually by the Learning Disabilities Association of Alabama to the teacher whose "compassion, concern and professionalism contributed most towards the further development of the emotional well-being and educational advancement of the LD student"; and

WHEREAS, Mrs. Crockett is indeed a very dedicated teacher who, in firm commitment of purpose, works diligently with her students to assure their advancement to maximum potential, both educationally and emotionally; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That in recognition of outstanding professional achievement and in gratitude for her contributions to the needs of LD students, we hereby most highly commend Judy Crockett of Montgomery, Alabama, whom we hold in warmest personal regard and for whom a copy of this resolution shall be provided.

On motion of Representative McKee, the rules were suspended and the resolution, H.J.R. 96, was adopted.

Also:

The following resolution was introduced and distributed according to Joint Rule 11:

By Representative Layson:

H.R. 97. HONORING THE AMERICAN TREE FARM SYSTEM ON THE CELEBRATION OF ITS 50TH ANNIVERSARY.

Also:

The following resolutions were introduced:

By Representative Layson:

H.J.R. 98. HONORING THE AMERICAN TREE FARM SYSTEM ON THE CELEBRATION OF ITS 50TH ANNIVERSARY.

WHEREAS, the American Tree Farm System is largely responsible for the reforestation of the United States; and

WHEREAS, the American Tree Farm System advocates the planting of both hardwood and softwood; and

WHEREAS, the American Tree Farm System promotes wildlife and recreational benefits for mankind; and

WHEREAS, tree farming has enhanced the natural beauty of the State of Alabama; and

WHEREAS, the State of Alabama had the first private, non-industrial tree farm in the nation; and

WHEREAS, the planting of trees aids in the fight against soil erosion; and

WHEREAS, individuals, as well as corporate entities, are members of the American Tree Farm System; and

WHEREAS, the American Tree Farm System has increased our awareness of the environmental and economic benefits of tree farming; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That the American Tree Farm System is hereby commended for its efforts which have largely resulted in the reforestation of this country.

BE IT FURTHER RESOLVED, That upon the adoption of this resolution, a copy thereof shall be prepared for presentation to the Alabama Forestry Association.

On motion of Representative Layson, the rules were suspended and the resolution, H.J.R. 98, was adopted.

Also:

By Representative Layson:

H.J.R. 99. CREATING A JOINT INTERIM LEGISLATIVE COMMITTEE FOR THE PROMOTION OF THE TENNESSEE-TOMBIGBEE WATERWAY.

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That there is hereby created a joint interim legislative committee to study the Tennessee-Tombigbee Waterway. The committee shall be composed of four members of each house, to be appointed by the presiding officer of each house. The chairman and vice chairman of the committee shall be elected at the first meeting by the members of the committee. The committee shall study all facets of the development and promotion of the Tennessee-Tombigbee Waterway.

Upon the request of the chairman, the Secretary of the Senate and the Clerk of the House shall provide such clerical assistance as may be necessary for the committee's work. Each member of the committee shall be entitled to his regular legislative compensation, his per diem and travel expenses for each day he attends a meeting of the committee which shall be paid out of any funds appropriated to the use of the legislature, upon warrants drawn on the state comptroller upon requisitions signed by the committee's chairman; provided, however, that members shall not receive additional legislative compensation or per diem when the legislature is in session or if a member is being paid any other payments on the same dates for attendance of other state business. The total expenditures of the committee shall not exceed \$4,000.00, each year. The committee shall terminate on the final day of the 1994 Regular Session.

On motion of Representative Layson, the rules were suspended and the resolution, H.J.R. 99, was adopted.

Also:

The following resolution was introduced and distributed according to Joint Rule 11:

By Representatives Escott-Russell, Anderson, Barnes, Beasley, Biddle, Black (L), Black (M), Blakeney, Bowling, Box, Bryant, Bugg, Burke, Buskey (JE), Buskey (JL), Butler, Cagle, Campbell, Carns, Carothers, Carter, Clark (J), Clark (W), Clay, Cosby, Crow, Cullins, Curry, Dolbare, Drake, Flowers, Ford, Freeman, Fuller, Gaines, Gaston, Goodwin, Grayson, Gullatt, Hall, Hamilton, Hammett, Haney, Harper, Harvey, Hawkins, Haynes, Higginbotham, Hill, Hogan, Holladay, Holley, Holmes, Hooper, Johnson, Kennedy, Knight, Kvalheim, Laird, Layson, Letson, Lindsey, Mathis, McClain, McDaniel, McDowell, McKee, McMillan, Melton, Mikell, Millican, Morrow, Morton, Newman, Newton (C), Newton (D), Parker (P), Parker (T), Payne, Penry, Perdue, Petelos, Poole, Powell, Rich, Richardson, Rockhold, Rogers (F), Rogers (J), Sanderford, Sanderson, Smith (C), Smith (R), Spratt, Starkey, Thomas, Turner, Turnham, Venable, Walker, Warren, White, Williams, Willis and Zoghby:

**H.R. 100. COMMENDING THE ALABAMA YOUNG BANKERS SECTION
OF THE ALABAMA BANKERS ASSOCIATION**

Also:

The following resolutions were introduced:

By Representative Cosby:

**H.J.R. 101. REQUESTING THE STATE HIGHWAY DEPARTMENT TO
ESTABLISH A POLICY REGARDING PRESERVATION OF WILDFLOWERS
ON HIGHWAY RIGHTS-OF-WAY IN ALABAMA.**

WHEREAS, a large number of people of Selma and Dallas County, Alabama, are committed to the vast natural beauty of this state; and

WHEREAS, Alabama has in that natural beauty a large number of varieties of wildflowers found in the United States; and

WHEREAS, the people of Selma and Dallas County, Alabama, do commend and express their appreciation for the wildflower planting program by the Alabama Highway Department in Dallas County, and at other sites around the state; and

WHEREAS, in other states where there has been a long-range commitment to a policy of planting and conserving native wildflowers along their highway rights-of-way, the results have proven to be extremely gratifying in terms of aesthetics, and also productive in terms of an increase in tourist dollars; and

WHEREAS, large numbers of people in Selma and Dallas County, Alabama, have been informed, and now know, that the use of native wildflowers as ground covers along Alabama's highway rights-of-way may be an alternative to other types of roadside vegetation; now therefore,

**BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH
HOUSES THEREOF CONCURRING,** That state officials, as well as private citizens, be alerted to the value and desirability of Alabama's beautiful and valuable natural resource, her wildflowers, and these people of Alabama do hereby request the establishment of a policy by the Alabama Highway Department for conservation, propagation, and protection of wildflowers indigenous to the areas along appropriate portions of the highway rights-of-way of the state.

BE IT FURTHER RESOLVED, That copies of this resolution be sent to the Governor of Alabama; the Mayor and City Council of Selma, Alabama; and to the Probate Judge and County Commission of Dallas County, Alabama.

On motion of Representative Cosby, the rules were suspended and the resolution, H.J.R. 101, was adopted.

Also:

By Representatives Petelos, Anderson, Barnes, Beasley, Biddle, Black (L), Black (M), Blakeney, Bowling, Box, Bryant, Bugg, Burke, Buskey (JE), Buskey (JL), Butler, Cagle, Campbell, Carns, Carothers, Carter, Clark (J), Clark (W), Clay, Cosby, Crow, Cullins, Curry, Dolbare, Drake, Escott-Russell, Flowers, Ford, Freeman, Fuller, Gaines, Gaston, Goodwin, Grayson, Gullatt, Hall, Hamilton, Hammett, Haney, Harper, Harvey, Hawkins, Haynes, Higginbotham, Hill, Hogan, Holladay, Holley, Holmes, Hooper, Johnson, Kennedy, Knight, Kvalheim, Laird, Layson, Letson, Lindsey, Mathis, McClain, McDaniel, McDowell, McKee, McMillan, Melton, Mikell, Millican, Morrow, Morton, Newman, Newton (C), Newton (D), Parker (P), Parker (T), Payne, Penry, Perdue, Poole, Powell, Rich, Richardson, Rockhold, Rogers (F), Rogers (J), Sanderford, Sanderson, Smith (C), Smith (R), Spratt, Starkey, Thomas, Turner, Turnham, Venable, Walker, Warren, White, Williams, Willis and Zoghby:

H.J.R. 102. COMMENDING THE BIRMINGHAM NEWS FOR DISTINGUISHED ACHIEVEMENT.

WHEREAS, it is with inordinate pride that the Legislature of Alabama congratulates and commends The Birmingham News as the 1991 recipient of the coveted Pulitzer Prize, journalism's highest award for excellence, and an honor bestowed in the editorial writing category for The News' series entitled, "What They Won't Tell You About Your Taxes"; and

WHEREAS, published in August 1990, the editorial series dealt with the painful reality of Alabama's tax laws which, as structured, are totally inadequate to provide for the pressing demands of vital state services; and

WHEREAS, the educational needs of our youth and those of the poor continue to suffer, while the needs of special interests are nurtured by millions of dollars in tax breaks, a glaring inequity of increasing entrenchment due to the successful efforts of a few powerful groups to block any and all attempts for meaningful tax reform; and

WHEREAS, the now prize-winning series of 1990 was undertaken by the News to prompt the state to face the problems of our tax system, and the content of the superb editorials by Ron Casey, editorial page editor, and writers Harold Jackson and Joey Kennedy have indeed had great impact in helping to bring about a groundswell of public opinion calling for significant reform of Alabama's inadequate and inequitable tax structure; and

WHEREAS, the editorial board of The Birmingham News, and those responsible for the enlightening series on tax reform, are Victor Hanson, II, publisher; Victor Hanson, III, general manager; James E. Jacobson, editor; and the editorial page staff, including Pulitzer winners Ron Casey, Harold Jackson and Joey Kennedy; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That in recognition of distinguished

achievement and extraordinary service to the State of Alabama and all citizens thereof, we hereby commend and congratulate The Birmingham News on the 1991 Pulitzer Prize and do further direct that copies of this resolution be provided to Publisher Victor H. Hanson, II, on behalf of The News, and for appropriate presentation to editorial writers Ron Casey, Harold Jackson and Joey Kennedy, and to all those as hereinabove honored for their contributions to the 1991 Pulitzer.

On motion of Representative Petelos, the rules were suspended and the resolution, H.J.R. 102, was adopted.

Also:

By Representatives McMillan and Penry:

H.J.R. 103. DESIGNATING THE LEON MCREYNOLDS LAKE, BALDWIN COUNTY, ALABAMA.

WHEREAS, the Alabama Legislature notes that there is a lake in Baldwin County which bears the name of a slang corruption of a racial slur and is an embarrassment to the citizens of Baldwin County; and

WHEREAS, the citizens wish to change the name of that certain lake which is located near the Blakney Community Landing, south of Bay Minette, in Baldwin County, in order to honor one of its beloved citizens, Mr. Leon McReynolds; and

WHEREAS, Mr. McReynolds during his eighty plus years, fished almost every day except Sunday in that five-mile long lake and was the envy of all bream fishermen; and

WHEREAS, Leon McReynolds was a native of McWilliams, Alabama, and was one of fourteen children of the late John Henry and Ada McReynolds and was one of fourteen children; and

WHEREAS, from 1917, Leon McReynolds made his home in Bay Minette where he worked for several years before establishing his own business, "Leon's Cafe," which quickly became a favorite eating and social place for many in the community; and

WHEREAS, he was widely known for his kindness, to so many, his love of family; and his legendary acumen of fishing at that one particular lake; and

WHEREAS, Leon McReynolds was the friend of many and the enemy of none and was exemplary in his industriousness and generosity; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That a certain lake which bears the name of a slang corruption of a racial slur located near the Blakney Community Landing in Baldwin County, Alabama, shall be known as and is hereby designated the "Leon McReynolds Lake" in honor of Mr. Leon McReynolds.

RESOLVED FURTHER, That the Highway Department together with the division of Tourism and Travel shall have included on any map, which includes Baldwin County, the "Leon McReynolds Lake," so that all may know of this fine gentleman and the high honor the Alabama Legislature has bestowed on him.

BE IT FURTHER RESOLVED, That a copy of this resolution shall be sent to his widow, Mrs. Lucinda Carroll McReynolds so that she and her family may know of our high esteem of Mr. Leon McReynolds along with our warmest personal regard.

On motion of Representative Penry, the rules were suspended and the resolution, H.J.R. 103, was adopted.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has concurred in and adopted the following House Joint Resolutions and returns same herewith to the House:

H.J.R. 79. RELATIVE TO MEETING DAYS

Also:

H.J.R. 82. MEMORIALIZING THE U. S. CONGRESS TO PROPOSE A CONSTITUTIONAL AMENDMENT SPECIFYING THAT CONGRESS AND THE INDIVIDUAL STATES SHALL HAVE THE POWER TO PROHIBIT DESECRATION OF THE AMERICAN FLAG.

Also:

H.J.R. 84. DESIGNATING "NURSING HOME WEEK" IN ALABAMA.

MCDOWELL LEE
Secretary

REPORT OF THE STANDING COMMITTEE
ON RULES ON ENROLLED AND ENGROSSED BILLS

Mr. Speaker:

Your Standing Committee on Rules begs leave to report that it has examined the following House Joint Resolutions, to-wit:

H.J.R. 87. COMMENDING JOHNNIE LEWIS OF NORTHPORT, "MS. SENIOR ALABAMA" FOR 1990-91.

Also:

H.J.R. 89. DESIGNATING "DR. LEON DAVIS DAY."

And finds same correctly enrolled.

TOMMY CARTER
Chairman

SIGNING OF HOUSE JOINT RESOLUTIONS

The Speaker of the House, in the presence of the House, immediately after the titles had been publicly read by the Clerk, the reading at length having been dispensed with by a two-thirds vote of a quorum present, signed the House Joint Resolutions, the titles of which are set out in the foregoing Report of the Standing Committee on Rules.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and adopted the following Senate Joint Resolution and sends same herewith to the House for its consideration:

By Senators Denton, Corbett, and Campbell:

S.J.R. 46. URGING THE CONGRESS TO ENACT THE STRIKER REPLACEMENT LEGISLATION.

WHEREAS, American union workers' right to bargain collectively, fundamental to our way of life, is being challenged by the greatest management resistance to unionization in more than 50 years; and

WHEREAS, it was the intent of Congress, more than half a century ago, to provide an equal balance of power between workers and their employers by passing the National Labor Relations Act; and

WHEREAS, the act ensures that workers may withhold their labor in the form of a strike if they are unable to reach an agreement with their employers through ordinary bargaining techniques; and

WHEREAS, it is the public policy of this nation that the strike is a legal form of protest by workers against their private sector employers; and

WHEREAS, it is clearly the intention of workers who use this form of protest to return to their jobs once the dispute has been resolved; and

WHEREAS, employers across the United States have increasingly taken advantage of a legal loophole to deny economic strikers that opportunity to return to work by hiring permanent replacement workers at the beginning of, or even in

advance of, a strike; and

WHEREAS, such actions appear to be clear efforts to destroy unions as legal bargaining representatives of the workers; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we hereby urge the Alabama Congressional Delegation to enact the Striker Replacement Legislation which restores the balance between workers and their employers and prohibits the firing of workers who exercise their legal right to strike.

BE IT FURTHER RESOLVED, That copies of this resolution be sent to all members of the Alabama Congressional Delegation to urge their quick action to redress this problem.

MCDOWELL LEE
Secretary

SENATE MESSAGE

On motion of Representative Cagle, the rules were suspended, and the House concurred in and adopted the resolution, S.J.R. 46, set out in the foregoing Message from the Senate.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and adopted the following Senate Joint Resolutions and sends same herewith to the House for its consideration:

By Senator Bolling:

S.J.R. 49. DESIGNATING MAY 1991 AS "MANUFACTURED HOUSING MONTH" IN ALABAMA.

Also:

By Senator Sanders:

S.J.R. 50. NAMING THE "MARTIN LUTHER KING, JR., HIGHWAY."

Also:

By Senator Owens:

S.J.R. 51. REQUESTING THE STATE HIGHWAY DEPARTMENT TO ESTABLISH A POLICY REGARDING PRESERVATION OF WILDFLOWERS ON HIGHWAY RIGHTS-OF-WAY IN ALABAMA.

MCDOWELL LEE
Secretary

SENATE MESSAGE

On motion of Representative Newman, the rules were suspended, and the House concurred in and adopted the resolution, S.J.R. 49, the title of which is set out in the foregoing Message from the Senate.

Also:

On motion of Representative Bryant, the rules were suspended, and the House concurred in and adopted the resolution, S.J.R. 50, the title of which is set out in the foregoing Message from the Senate.

Also:

On motion of Representative Cosby, the rules were suspended, and the House concurred in and adopted the resolution, S.J.R. 51, the title of which is set out in the foregoing Message from the Senate.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and adopted the following Senate Joint Resolution and sends same herewith to the House for its consideration:

By Senator Corbett:

S.J.R. 45. BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That the provisions of HJR 7 of the 1991 Regular Session shall be applicable to the Lt. Governor of Alabama.

MCDOWELL LEE
Secretary

SENATE MESSAGE

On motion of Representative Harper, the rules were suspended, and the House concurred in and adopted the resolution, S.J.R. 45, the title of which is set out in the foregoing Message from the Senate.

Yeas 48; Nays 0.

Yea:

Mr. Speaker, Anderson, Beasley, Biddle, Black (L.), Black (M), Blakeney, Bowling, Bryant, Buskey (JE), Buskey (JL), Butler, Cagle, Campbell, Clark (W), Cosby, Crow, Cullins, Freeman, Fuller, Gaines, Grayson, Hall, Harper, Hawkins, Hogan, Holladay, Holley, Holmes, Kennedy, Mathis, Melton, Millican, Morrow, Morton, Newman, Payne, Penry, Petelos, Poole, Rogers (F), Sanderson, Smith (C), Starkey, Thomas, White, Willis and Zoghby.

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned, and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

PERMISSION GRANTED

Permission was granted for the Journal to reflect that Representative Ford intended to vote "Yea" on adoption of the resolution, S.J.R. 45.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and adopted the following Senate Joint Resolution and sends same herewith to the House for its consideration:

By Senator Little:

S.J.R. 44. MOURNING THE DEATH OF JACK MCDONALD DUNLOP OF AUBURN, ALABAMA.

MCDOWELL LEE
Secretary

SENATE MESSAGE

On motion of Representative Turnham, the rules were suspended, and the House concurred in and adopted the resolution, S.J.R. 44, the title of which is set out in the foregoing Message from the Senate.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and adopted the following Senate Joint Resolutions and sends same herewith to the House for its consideration:

By Senators Denton, Amari, Bailey, Barron, Bedsole, Bennett, Bolling, Campbell, Corbett, deGraffenried, Dial, Dixon, Ellis, Figures, Floyd, Foshee, Ghee, Hale, Hilliard, Horn, Langford, Lindsey, Lipscomb, Little, Mitchell, Mitchem, Owens, Parsons, Preuitt, Sanders, Smith (B), Smith (J), Waggoner, Wilson, and Windom:

S.J.R. 55. COMMENDING TOM C. COBURN OF TUSCUMBIA FOR DISTINGUISHED SERVICE TO THE LEGISLATURE AND THE STATE OF ALABAMA.

Also:

By Senator Dial:

S.J.R. 57. PROVIDING FOR THE PLACEMENT OF DIRECTIONAL SIGNS TO TALLADEGA NATIONAL FOREST AND TALLADEGA SCENIC BY-PASS AT THE HIGHWAY 9 AND HIGHWAY 46 EXITS OF I-20 IN CLEBURNE, COUNTY.

MCDOWELL LEE
Secretary

SENATE MESSAGE

On motion of Representative Starkey, the rules were suspended, and the House concurred in and adopted the resolution, S.J.R. 55, the title of which is set out in the foregoing Message from the Senate.

Also:

On motion of Representative White, the rules were suspended, and the House concurred in and adopted the resolution, S.J.R. 57, the title of which is set out in the foregoing Message from the Senate.

RESOLUTION

The following resolution was introduced:

By Representative Smith (C):

H.J.R. 104. COMMENDING JULIE MOON OWENS OF CENTREVILLE, ALABAMA, FOR OUTSTANDING ACADEMIC ACHIEVEMENT AND LEADERSHIP.

WHEREAS, in a desire to recognize young Alabamians of achievement, the Legislature of Alabama notes with commendation the numerous accomplishments of Julie Moon Owens of Centreville, Alabama, a senior at Auburn University; and

WHEREAS, Julie Owens, an honor student with an impressive 3.7 G.P.A., has displayed extraordinary leadership qualities throughout her college career as evidenced by her selection to both Phi Eta Sigma and Alpha Lambda Delta freshman honorary societies; to Cardinal Key, a junior leadership honorary; and to Omicron Delta Kappa (ODK), a prestigious honor society that has recognized outstanding senior campus leaders since 1914; and

5th Day

WHEREAS, she also is a member of Alpha Gamma Delta sorority, is a Phi Gamma Delta Little Sister, a member of Who's Who Among American Colleges and Universities, and has served as secretary and vice president of Student Alabama Education Association (SAEA); and

WHEREAS, other of Miss Owens' many involvements include her activities and duties as a Student Recruiter for two years and as coordinator/president for one year; she further has been a member of the Auburn Marching Band as a majorette for four years, including her senior year as Head Majorette; and

WHEREAS, Julie Owens is indeed an outstanding young lady whose many accomplishments and recognitions of leadership and achievement are indicative of a future bright with the promise of a successful career and prominent roles in community leadership in the State of Alabama; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That in recognition of outstanding achievement, we hereby commend Julie Moon Owens of Centreville, Alabama, and do further direct that she receive a copy of this resolution, executed in warmest personal regard and with sincere best wishes for every future success and happiness in life.

On motion of Representative Smith (C), the rules were suspended and the resolution, H.J.R. 104, was adopted.

PERMISSION GRANTED

Permission was granted for the Journal to reflect that Representative Knight intended to vote "Yea" on adoption of the resolution, S.J.R. 45.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and passed the following Senate Bills and ordered same sent forthwith to the House:

By Senator Windom:

S. 86. Relating to motor vehicles so as to provide that a transaction does not create a sale or security interest merely because the transaction provides that the rental price may be adjusted by reference to the amount realized upon sale or other disposition of the motor vehicle; to provide for severability of the provisions of this act; to provide for repeal of conflicting laws; and to provide for an effective date.

Also:

By Senators Ghee, Mitchell, Dixon, Dial, Hilliard, Bolling, and Lipscomb:

S. 110. To amend Section 34-24-80 and Section 34-24-83, Code of Alabama 1975, relating to the evaluation by the State Board of Medical Examiners of Colleges of Medicine located outside of the United States and the District of Columbia, so as to provide further for such evaluation and the licensing of graduates of such schools.

MCDOWELL LEE
Secretary

SENATE MESSAGE

The Senate Bills, the titles of which are set out in the foregoing Message from the Senate, were severally read one time and referred to the appropriate Standing Committees as follows:

S. 86. Banking.

S. 110. Health.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and passed the following Senate Bills and ordered same sent forthwith to the House:

By Senator Bedsole:

S. 27. To amend Section 33-4-38, Code of Alabama 1975, which provides for the levy, payment and disposition of ship pilot's license tax, so as to increase the amount thereof.

Also:

By Senator Bedsole:

S. 85. To amend Sections 32-6-270 and 32-6-272 of the Code of Alabama 1975, so as to further define the term "Fire Fighter" and provide for their distinctive motor vehicle license plates.

Also:

By Senator Little:

S. 112. To amend Section 22-14-5, Code of Alabama 1975, which provides for the members of the radiation advisory board of health, so as to include a veterinarian on the board.

MCDOWELL LEE
Secretary

SENATE MESSAGE

The Senate Bills, the titles of which are set out in the foregoing Message from the Senate, were severally read one time and referred to the appropriate Standing Committees as follows:

- S. 27. Ways and Means.
- S. 85. Ways and Means.
- S. 112. Health.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and passed the following engrossed Senate Bill and sends same herewith to the House:

By Senator Corbett:

S. 44. To provide for the hunting of game and unprotected wildlife with a cross bow upon certification by a physician that a person is handicapped.

MCDOWELL LEE
Secretary

SENATE MESSAGE

The Senate Bill, the title of which is set out in the foregoing Message from the Senate, was read one time and referred to the appropriate Standing Committee as follows:

- S. 44. Agriculture, Forestry and Natural Resources.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and passed the following Senate Bill and ordered same sent forthwith to the House:

By Senators Figures, Bedsole, Windom, and Lipscomb (With Notice and Proof):

S. 293. Relating to Mobile County; to amend Sections 1 through 9 of Act No. 974, S. 384, Regular Session 1961 (Acts 1961, p. 1550 et seq.); to confer on the Probate Courts of the county general and equity jurisdiction over certain estates concurrent with that of the Circuit Courts; to provide for the powers and authority

of the Probate Judges and Chief Clerks of such Probate Courts; and to provide for the pleading and procedure in such estates, the enforcement of orders, judgments and decrees and appeals of same.

I HEREBY CERTIFY THAT THE NOTICE AND PROOF IS ATTACHED TO THE BILL, S. 293, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975, ACT NO. 919.

MCDOWELL LEE, SECRETARY

MCDOWELL LEE
Secretary

SENATE MESSAGE

The Senate Bill, the title of which is set out in the foregoing Message from the Senate, was read one time and referred to the appropriate Standing Committee as follows:

S. 293. Local Legislation No. 3.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and passed the following Senate Bill and ordered same sent forthwith to the House:

By Senators Smith (B) and Campbell:

S. 321. To amend Sections 4-3-41, 4-3-45, 4-3-47 and 4-3-59, Code of Alabama 1975, which relate to airport authorities, so as to provide for the reincorporation of existing airport authorities; to empower airport authorities to sell, exchange or grant options to buy or sell property; to expand the right of airport authorities to provide goods and services; to empower airport authorities to levy passenger facility charges and access fees; to expand the types of deposits or obligations in which an airport authority might invest funds; to expand the police powers of airport authorities, and to provide further for court jurisdiction; to provide that airport authorities can engage in certain financing; to enable airport authorities to assess and collect fines from any person, firm or corporation occupying or utilizing the airport or airport facilities in the event such party is the cause of fines or penalties being levied against the airport authority; and to exempt the airport authority from liability for the payment of deed recording fees and roll-back taxes.

MCDOWELL LEE
Secretary

SENATE MESSAGE

The Senate Bill, the title of which is set out in the foregoing Message from the Senate, was read one time and referred to the appropriate Standing Committee as follows:

S. 321. Commerce, Transportation and Utilities.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has passed the following House Bill and returns same herewith to the House:

H. 144. To amend section 5-13A-3, Code of Alabama 1975, relating to the acquisition of an Alabama bank holding company or an Alabama bank by a regional bank holding company, so as to provide further for any such acquisition.

MCDOWELL LEE
Secretary

BILLS ON THIRD READING

BUDGET ISOLATION RESOLUTION

On motion of Representative White, the Budget Isolation Resolution relating to the bill, H. 59, was adopted.

Yeas 52; Nays 0.

Yea:

Mr. Speaker, Anderson, Beasley, Biddle, Black (M), Bowling, Box, Bryant, Buskey (JL), Cagle, Carothers, Clay, Cosby, Crow, Cullins, Curry, Dolbare, Gaines, Goodwin, Gullatt, Hall, Hamilton, Hammett, Hill, Hogan, Holladay, Holley, Kennedy, Knight, Kvalheim, Layson, Lindsey, Mathis, Melton, Millican, Morrow, Morton, Newman, Newton (C), Newton (D), Payne, Penry, Petelos, Poole, Rockhold, Sanderson, Starkey, Turnham, Venable, White, Willis and Zoghby.

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PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned, and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

And the bill:

H. 59. This bill amends Act No. 612, H. B. 1141, 1978 Regular Session, (Acts 1978, p. 869), relating to the creation of the Industrial Development Authority of Escambia County, so as to provide for additions to the membership of the Authority.

was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 56; Nays 0.

Yea:

Mr. Speaker, Anderson, Beasley, Black (M), Blakeney, Bowling, Box, Bryant, Buskey (JL), Cagle, Carothers, Cosby, Crow, Cullins, Curry, Dolbare, Flowers, Freeman, Gaines, Gaston, Goodwin, Gullatt, Hall, Hammett, Hogan, Holladay, Holley, Kennedy, Knight, Kvalheim, Layson, Lindsey, Mathis, McDaniel, McKee, McMillan, Melton, Morrow, Morton, Newman, Newton (C), Newton (D), Parker (P), Penry, Petelos, Poole, Powell, Rockhold, Smith (C), Starkey, Turner, Turnham, Venable, White, Willis and Zoghby.

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BUDGET ISOLATION RESOLUTION

On motion of Representative White, the Budget Isolation Resolution relating to the bill, H. 60, was adopted.

Yeas 57; Nays 0.

Yea:

Mr. Speaker, Anderson, Beasley, Biddle, Black (L), Black (M), Blakeney, Box, Bryant, Buskey (JE), Cagle, Carothers, Clark (W), Cosby, Cullins, Curry, Dolbare, Flowers, Gaines, Goodwin, Gullatt, Hamilton, Hammett, Harvey, Hill, Hogan, Holladay, Holley, Kennedy, Knight, Layson, Letson, Lindsey, Mathis, McDaniel, McKee, Melton, Millican, Morrow, Morton, Newman, Newton (C), Newton (D), Parker (P), Payne, Penry, Petelos, Poole, Powell, Rockhold, Sanderson, Smith (C), Turnham, Venable, White, Willis and Zoghby.

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And the bill:

H. 60. Relating to Escambia County; providing further for expense allowances for the chairman and associate commissioners of the county commission to be paid from the county general fund and expiration date therefor

and providing for a certain monthly salary for such chairman and associate commissioners to be effective after the next election with such salary to be in lieu of all salaries and expense allowances heretofore provided by law for such chairman and associate commissioners of the county commission.

was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 61; Nays 0.

Yea:

Mr. Speaker, Anderson, Beasley, Biddle, Black (L), Black (M), Blakeney, Box, Bryant, Buskey (JE), Cagle, Carothers, Clark (W), Clay, Cosby, Cullins, Curry, Dolbare, Flowers, Freeman, Gaines, Goodwin, Hall, Hamilton, Hammett, Haney, Harvey, Hill, Hogan, Holladay, Holley, Kennedy, Knight, Layson, Letson, Lindsey, Mathis, McDaniel, McKee, Melton, Millican, Morrow, Morton, Newman, Newton (C), Newton (D), Parker (P), Payne, Penry, Petelos, Poole, Powell, Rockhold, Sanderson, Smith (C), Starkey, Turnham, Venable, White, Willis and Zoghby.

-61

BUDGET ISOLATION RESOLUTION

On motion of Representative White, the Budget Isolation Resolution relating to the bill, H. 61, was adopted.

Yeas 54; Nays 0.

Yea:

Mr. Speaker, Anderson, Beasley, Biddle, Black (L), Black (M), Blakeney, Box, Bryant, Buskey (JE), Cagle, Clark (W), Clay, Cosby, Cullins, Curry, Dolbare, Flowers, Gaines, Goodwin, Gullatt, Hamilton, Hammett, Harvey, Hogan, Holladay, Holley, Kennedy, Layson, Letson, Lindsey, McDaniel, McKee, Melton, Millican, Morrow, Morton, Newman, Newton (C), Newton (D), Parker (P), Payne, Penry, Petelos, Poole, Rockhold, Sanderson, Smith (C), Starkey, Turnham, Venable, White, Willis and Zoghby.

-54

And the bill:

H. 61. Relating to Escambia County; to provide further for the compensation and expense allowance of certain county officials effective October 1, 1991.

was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 53; Nays 0.

Yea:

Mr. Speaker, Anderson, Beasley, Biddle, Black (L), Black (M), Blakeney, Box, Bryant, Bugg, Cagle, Cosby, Cullins, Curry, Dolbare, Flowers, Gaines, Gaston, Goodwin, Hamilton, Hammett, Haney, Harvey, Hill, Hogan, Holley, Kennedy, Knight, Kvalheim, Layson, Lindsey, McDaniel, Melton, Morrow, Morton, Newman, Newton (C), Newton (D), Parker (P), Payne, Penry, Petelos, Poole, Powell, Rockhold, Sanderson, Smith (C), Starkey, Turnham, Venable, White, Willis and Zoghby.

-53

BUDGET ISOLATION RESOLUTION

On motion of Representative White, the Budget Isolation Resolution relating to the bill, H. 63, was adopted.

Yeas 53; Nays 0.

Yea:

Representatives Anderson, Beasley, Biddle, Black (L), Black (M), Blakeney, Box, Bryant, Cagle, Carns, Cosby, Cullins, Curry, Dolbare, Flowers, Gaines, Gaston, Goodwin, Gullatt, Hamilton, Hammett, Harvey, Hill, Holladay, Holley, Kennedy, Knight, Kvalheim, Layson, Letson, Lindsey, McKee, Melton, Mikell, Millican, Morrow, Morton, Newman, Newton (C), Newton (D), Parker (T), Payne, Penry, Petelos, Rockhold, Rogers (F), Sanderson, Starkey, Turnham, Venable, White, Willis and Zoghby.

-53

And the bill:

H. 63. Proposing a constitutional amendment to the Constitution of Alabama of 1901, relating to the distribution of oil and gas severance tax revenues in Escambia County, pursuant to Amendment 425 to the Constitution of Alabama of 1901.

was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 76; Nays 0.

Yea:

Mr. Speaker, Anderson, Beasley, Black (L), Black (M), Blakeney, Bowling, Box, Bryant, Bugg, Buskey (JE), Buskey (JL), Cagle, Carns, Carothers, Clark (W), Clay, Cosby, Crow, Cullins, Curry, Dolbare, Flowers, Freeman,

Gaines, Gaston, Goodwin, Gullatt, Hall, Hamilton, Hammett, Haney, Harvey, Haynes, Hill, Holladay, Holley, Holmes, Johnson, Kennedy, Knight, Kvalheim, Laird, Layson, Letson, Lindsey, Mathis, McKee, McMillan, Melton, Mikell, Millican, Morrow, Morton, Newman, Newton (C), Parker (P), Parker (T), Payne, Penry, Petelos, Poole, Powell, Rockhold, Rogers (J), Sanderson, Smith (C), Smith (R), Starkey, Turner, Turnham, Venable, White, Williams, Willis and Zoghby.

-76

PERMISSION GRANTED

Permission was granted for the Journal to reflect that Representative Escott-Russell intended to vote "Yea" on passage of the bill, H. 63.

BUDGET ISOLATION RESOLUTION

On motion of Representative Carns, the Budget Isolation Resolution relating to the bill, H. 349, was adopted.

Yeas 54; Nays 0.

Yea:

Mr. Speaker, Anderson, Blakeney, Box, Bryant, Buskey (JE), Carns, Clark (W), Clay, Cosby, Cullins, Curry, Flowers, Freeman, Gaines, Gaston, Gullatt, Hall, Hamilton, Hammett, Haney, Hawkins, Hill, Holladay, Kennedy, Knight, Kvalheim, Layson, Letson, Lindsey, McDaniel, McMillan, Melton, Millican, Morrow, Morton, Newman, Newton (C), Newton (D), Parker (P), Parker (T), Payne, Penry, Petelos, Powell, Rockhold, Rogers (F), Sanderson, Smith (C), Smith (R), Starkey, Turnham, Venable and Zoghby.

-54

And the bill:

H. 349. To authorize the county commission of Jefferson County, Alabama, acting pursuant to Amendment No. 373 to the Constitution of Alabama of 1901, to increase the rate at which there is levied and collected by Jefferson County, on all taxable property situated within the special school tax district subject to the jurisdiction and control of the Board of Education of the City of Mountain Brook, the special ad valorem tax for public school purposes which is authorized in Amendment No. 316 to the Constitution, to a maximum rate, for any tax year of the county, which is equal to \$1.85 on each one hundred dollars (18.5 mills on each dollar) of assessed value.

was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 58; Nays 0.

Yea:

Representatives Anderson, Blakeney, Box, Bryant, Bugg, Buskey (JE), Butler, Cagle, Carns, Clark (W), Clay, Cosby, Crow, Cullins, Curry, Dolbare, Escott-Russell, Freeman, Gaines, Gaston, Hall, Hamilton, Hammett, Haney, Harvey, Hawkins, Hill, Hogan, Holladay, Holmes, Kennedy, Knight, Kvalheim, Layson, Letson, McMillan, Melton, Mikell, Millican, Morrow, Morton, Newman, Newton (D), Parker (P), Parker (T), Payne, Petelos, Powell, Rockhold, Sanderson, Smith (C), Smith (R), Starkey, Venable, White, Williams, Willis and Zoghby.

-58

BUDGET ISOLATION RESOLUTION

On motion of Representative Harvey, the Budget Isolation Resolution relating to the bill, H. 200, was adopted.

Yeas 54; Nays 0.

Yea:

Representatives Anderson, Beasley, Blakeney, Box, Bryant, Buskey (JE), Butler, Cagle, Carns, Carothers, Clark (W), Cosby, Crow, Cullins, Curry, Dolbare, Gaines, Gullatt, Hamilton, Hammett, Harvey, Hawkins, Haynes, Holladay, Holley, Holmes, Johnson, Kennedy, Knight, Letson, Mathis, Melton, Mikell, Millican, Morrow, Morton, Newman, Newton (C), Parker (P), Parker (T), Payne, Poole, Powell, Rockhold, Rogers (J), Smith (C), Smith (R), Starkey, Turnham, Venable, White, Williams, Willis and Zoghby.

-54

And the bill:

H. 200. Relating to Blount County; reimbursing said county for lost revenues on property purchased by another county's municipal or county entity.

was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 58; Nays 0.

Yea:

Representatives Anderson, Beasley, Black (M), Blakeney, Box, Bryant, Buskey (JE), Butler, Cagle, Carns, Carothers, Clark (W), Cosby, Crow, Cullins, Curry, Dolbare, Gaines, Gaston, Gullatt, Hamilton, Hammett, Haney, Harvey, Haynes, Hill, Hogan, Holladay, Holley, Johnson, Kennedy, Knight, Kvalheim,

Layson, Mathis, McMillan, Melton, Mikell, Millican, Morrow, Morton, Newton (C), Parker (P), Parker (T), Payne, Poole, Rockhold, Rogers (F), Sanderson, Smith (C), Smith (R), Starkey, Turnham, Venable, White, Williams, Willis and Zoghby.

-58

BUDGET ISOLATION RESOLUTION

On motion of Representative Harvey, the Budget Isolation Resolution relating to the bill, H. 201, was adopted.

Yeas 64; Nays 1.

Yea:

Representatives Anderson, Beasley, Black (M), Blakeney, Box, Bryant, Buskey (JE), Butler, Cagle, Carns, Carothers, Clark (W), Clay, Crow, Cullins, Dolbare, Flowers, Freeman, Fuller, Gaston, Gullatt, Hall, Hamilton, Hammett, Haney, Harvey, Haynes, Hill, Hogan, Holladay, Holley, Holmes, Johnson, Kennedy, Knight, Kvalheim, Layson, Mathis, McDaniel, McKee, McMillan, Melton, Mikell, Morrow, Morton, Newman, Newton (C), Parker (P), Parker (T), Payne, Poole, Powell, Rich, Rockhold, Smith (C), Smith (R), Starkey, Turnham, Venable, Warren, White, Williams, Willis and Zoghby.

-64

Nay: Representative Curry.

- 1

And the bill:

H. 201. Relating to Blount County; prohibiting the Birmingham Water Works Board from denying Blount County residents access to facilities built by said board for recreational purposes in Blount County and providing for Blount County to retain all rights for future water supplies from lakes in said county.

was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 66; Nays 1.

Yea:

Representatives Anderson, Beasley, Black (M), Blakeney, Box, Bryant, Buskey (JE), Butler, Cagle, Carns, Carothers, Clark (W), Clay, Crow, Cullins, Dolbare, Flowers, Freeman, Fuller, Gaston, Gullatt, Hall, Hamilton, Hammett, Haney, Haynes, Hill, Hogan, Holladay, Holley, Holmes, Johnson, Kennedy, Knight, Kvalheim, Layson, Letson, Mathis, McDaniel, McKee, McMillan, Melton, Mikell, Millican, Morrow, Morton, Newman, Newton (C), Parker (P), Parker (T), Payne, Poole, Powell, Rich, Rockhold, Rogers (F), Smith (C),

Smith (R), Starkey, Turnham, Venable, Warren, White, Williams, Willis and Zoghby.

-66

Nay: Representative Curry.

- 1

BUDGET ISOLATION RESOLUTION

On motion of Representative White, the Budget Isolation Resolution relating to the bill, H. 384, was adopted.

Yeas 64; Nays 0.

Yea:

Representatives Beasley, Black (L), Black (M), Blakeney, Box, Bryant, Buskey (JE), Butler, Cagle, Carns, Carothers, Clark (W), Clay, Crow, Cullins, Curry, Dolbare, Flowers, Freeman, Fuller, Gaines, Gaston, Gullatt, Hamilton, Hammett, Haney, Haynes, Hill, Hogan, Holladay, Holley, Holmes, Johnson, Kennedy, Knight, Kvalheim, Layson, Mathis, Melton, Mikell, Millican, Morrow, Morton, Newman, Newton (C), Parker (P), Parker (T), Payne, Poole, Powell, Rich, Rockhold, Rogers (F), Sanderson, Smith (C), Smith (R), Starkey, Turnham, Venable, Warren, White, Williams, Willis and Zoghby.

-64

And the bill:

H. 384. Relating to Escambia County; authorizing the county commission to levy an additional or ad valorem tax to be used for educational purposes and providing for a referendum for approval of the tax by the qualified electors of the county.

was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 56; Nays 0.

Yea:

Representatives Anderson, Beasley, Blakeney, Box, Bryant, Buskey (JE), Butler, Cagle, Carns, Clark (W), Crow, Cullins, Curry, Dolbare, Gaines, Gaston, Gullatt, Hamilton, Hammett, Haney, Haynes, Hill, Hogan, Holladay, Holley, Holmes, Kennedy, Knight, Kvalheim, Layson, Mathis, McDaniel, Melton, Mikell, Millican, Morrow, Morton, Newman, Newton (C), Parker (P), Parker (T), Payne, Poole, Powell, Rich, Rockhold, Sanderson, Smith (C), Smith (R), Turner, Turnham, Warren, White, Williams, Willis and Zoghby.

-56

BUDGET ISOLATION RESOLUTION

On motion of Representative Newton (C), the Budget Isolation Resolution relating to the bill, H. 393, was adopted.

Yeas 58; Nays 0.

Yea:

Representatives Anderson, Beasley, Black (M), Blakeney, Box, Bryant, Butler, Cagle, Carns, Carothers, Clay, Crow, Cullins, Curry, Flowers, Freeman, Gaines, Gaston, Gullatt, Hamilton, Hammett, Haney, Haynes, Hill, Holladay, Holley, Holmes, Johnson, Knight, Kvalheim, Layson, Letson, Mathis, McDaniel, McKee, Melton, Millican, Morrow, Morton, Newman, Newton (C), Parker (P), Parker (T), Payne, Poole, Powell, Rich, Rockhold, Rogers (F), Sanderson, Smith (C), Smith (R), Turnham, Venable, Warren, Williams, Willis and Zoghby.

-58

And the bill:

H. 393. To alter, rearrange and extend the boundary lines and corporate limits of the Town of Glenwood in Crenshaw County.

was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 58; Nays 0.

Yea:

Representatives Anderson, Beasley, Black (M), Blakeney, Bowling, Box, Bryant, Cagle, Carns, Carothers, Clay, Crow, Cullins, Curry, Flowers, Freeman, Fuller, Gaines, Gaston, Gullatt, Hamilton, Hammett, Haney, Hill, Holladay, Holley, Holmes, Johnson, Knight, Kvalheim, Layson, Mathis, McDaniel, McKee, Melton, Mikell, Millican, Morrow, Morton, Newman, Newton (C), Parker (P), Parker (T), Payne, Poole, Powell, Rich, Rockhold, Rogers (F), Sanderson, Smith (C), Smith (R), Turnham, Venable, Warren, Williams, Willis and Zoghby.

-58

BUDGET ISOLATION RESOLUTION

On motion of Representative Kennedy, the Budget Isolation Resolution relating to the bill, H. 169, was adopted.

Yeas 55; Nays 1.

Yea:

Representatives Anderson, Beasley, Black (M), Blakeney, Bryant, Buskey (JE), Butler, Cagle, Carns, Carothers, Clark (W), Clay, Crow, Cullins, Curry, Freeman, Gaston, Gullatt, Hamilton, Hammett, Harper, Hill, Holladay, Holley, Holmes, Johnson, Kennedy, Knight, Layson, Letson, Mathis, McDaniel, McKee, Melton, Millican, Morrow, Morton, Newman, Newton (C), Parker (P), Parker (T), Payne, Poole, Powell, Rich, Rockhold, Rogers (F), Smith (C), Smith (R), Turnham, Venable, Warren, Williams, Willis and Zoghby.

-55

Nay: Representative Box.

- 1

And the bill:

H. 169. Relating to the City of Mobile, to amend Act Number 31 of the Alabama Legislature, Second Special Session 1975, adopted March 10, 1975, and any amendments thereto, which relates to the incorporation in any municipality having a population of not less than 175,000 nor more than 250,000 according to the last or any subsequent Federal Decennial Census of an authority as a public corporation for the purpose of providing public transportation service in such county and the compensation of directors of any such authority.

was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 53; Nays 1.

Yea:

Representatives Anderson, Black (M), Blakeney, Bryant, Buskey (JE), Butler, Cagle, Carns, Carothers, Clark (W), Clay, Crow, Cullins, Curry, Dolbare, Freeman, Gaston, Hamilton, Hammett, Haney, Harper, Higginbotham, Hill, Hogan, Holladay, Holley, Holmes, Johnson, Kennedy, Knight, Kvalheim, Layson, McDaniel, McKee, Melton, Mikell, Millican, Morrow, Morton, Newman, Newton (C), Parker (P), Parker (T), Payne, Poole, Powell, Rockhold, Rogers (F), Smith (C), Turnham, Venable, Willis and Zoghby.

-53

Nay: Representative Box.

- 1

BUDGET ISOLATION RESOLUTION

On motion of Representative Zoghby, the Budget Isolation Resolution relating to the bill, H. 409, was adopted.

Yeas 58; Nays 0.

Yea:

Representatives Anderson, Black (M), Blakeney, Box, Bryant, Buskey (JE), Butler, Cagle, Campbell, Carns, Carothers, Clark (W), Crow, Cullins, Curry, Dolbare, Freeman, Gaines, Gaston, Gullatt, Hall, Hamilton, Harper, Higginbotham, Hill, Hogan, Holladay, Holley, Holmes, Johnson, Kennedy, Knight, Kvalheim, Layson, Letson, McKee, Melton, Mikell, Millican, Morrow, Morton, Newman, Parker (P), Parker (T), Payne, Poole, Powell, Rich, Rockhold, Sanderson, Smith (C), Smith (R), Turnham, Venable, Warren, Williams, Willis and Zoghby.

-58

And the bill:

H. 409. Relating to Mobile County; to amend Sections 1 through 9 of Act No. 974, S. 384, Regular Session 1961 (Acts 1961, p. 1550 et seq.); to confer on the Probate Courts of the county general and equity jurisdiction over certain estates concurrent with that of the Circuit Courts; to provide for the powers and authority of the Probate Judges and Chief Clerks of such Probate Courts; and to provide for the pleading and procedure in such estates, the enforcement of orders, judgments and decrees and appeals of same.

was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 56; Nays 0.

Yea:

Representatives Anderson, Black (M), Blakeney, Box, Bryant, Buskey (JE), Cagle, Campbell, Carns, Clark (W), Clay, Crow, Cullins, Curry, Dolbare, Freeman, Gaines, Gaston, Gullatt, Hall, Hammett, Haney, Harper, Higginbotham, Hill, Hogan, Holladay, Holley, Holmes, Kennedy, Knight, Kvalheim, Layson, Letson, McKee, Mikell, Millican, Morrow, Morton, Newman, Parker (P), Parker (T), Payne, Poole, Powell, Rockhold, Rogers (F), Sanderson, Smith (C), Smith (R), Starkey, Turnham, Venable, Warren, Willis and Zoghby.

-56

REPORT OF THE STANDING COMMITTEE ON RULES ON ENROLLED AND ENGROSSED BILLS

Mr. Speaker:

Your Standing Committee on Rules begs leave to report that it has examined the following House Joint Resolutions, to-wit:

H.J.R. 79. RELATIVE TO MEETING DAYS

Also:

H.J.R. 82. MEMORIALIZING THE U. S. CONGRESS TO PROPOSE A CONSTITUTIONAL AMENDMENT SPECIFYING THAT CONGRESS AND THE INDIVIDUAL STATES SHALL HAVE THE POWER TO PROHIBIT DESECRATION OF THE AMERICAN FLAG.

Also:

H.J.R. 84. DESIGNATING "NURSING HOME WEEK" IN ALABAMA.

And finds same correctly enrolled.

TOMMY CARTER
Chairman

SIGNING OF HOUSE JOINT RESOLUTIONS

The Speaker of the House, in the presence of the House, immediately after the titles had been publicly read by the Clerk, the reading at length having been dispensed with by a two-thirds vote of a quorum present, signed the House Joint Resolutions, the titles of which are set out in the foregoing Report of the Standing Committee on Rules.

REPORT OF THE STANDING COMMITTEE ON RULES ON ENROLLED AND ENGROSSED BILLS

Mr. Speaker:

Your Standing Committee on Rules begs leave to report that it has examined the following House Bill, to-wit:

H. 144. To amend section 5-13A-3, Code of Alabama 1975, relating to the acquisition of an Alabama bank holding company or an Alabama bank by a regional bank holding company, so as to provide further for any such acquisition.

And finds same correctly enrolled.

TOMMY CARTER
Chairman

SIGNING OF BILL

The Speaker of the House, in the presence of the House, immediately after the title had been publicly read by the Clerk, the reading at length having been dispensed with by a two-thirds vote of a quorum present, signed the Bill, the title of which is set out in the foregoing Report of the Standing Committee on Rules.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has concurred in and adopted the following House Joint Resolution and returns same herewith to the House:

H.J.R. 7. PROVIDING FURTHER FOR EXPENSE ALLOWANCES AND PER DIEM.

MCDOWELL LEE
Secretary

BILLS ON THIRD READING RESUMED

BUDGET ISOLATION RESOLUTION

On motion of Representative Beasley, the Budget Isolation Resolution relating to the bill, H. 294, was adopted.

Yeas 58; Nays 7.

Yea:

Mr. Speaker, Anderson, Beasley, Box, Burke, Cagle, Carns, Carothers, Clay, Cosby, Crow, Cullins, Curry, Dolbare, Fuller, Gaines, Gaston, Gullatt, Hammett, Hawkins, Haynes, Higginbotham, Hill, Hogan, Holladay, Holley, Hooper, Johnson, Knight, Kvalheim, Laird, Mathis, McDaniel, McKee, McMillan, Melton, Mikell, Morrow, Morton, Newman, Parker (P), Parker (T), Payne, Petelos, Poole, Powell, Rich, Rockhold, Rogers (F), Sanderford, Sanderson, Smith (C), Smith (R), Turner, Venable, Warren, Willis and Zoghby.

-58

Nay:

Representatives Blakeney, Bryant, Buskey (JE), Clark (W), Holmes, Rogers (J) and Thomas.

- 7

And the bill:

H. 294. To amend Sections 13A-9-13.1, 13A-9-13.2, 8-8-15 and 12-17-224, Code of Alabama 1975, which relate to restitution for the negotiation of a worthless check or other negotiable instrument; so as to increase the service charge on such worthless checks or instruments.

was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 64; Nays 15.

Yea:

Mr. Speaker, Anderson, Beasley, Biddle, Bowling, Box, Bugg, Burke, Campbell, Carns, Carothers, Clay, Cosby, Curry, Dolbare, Drake, Fuller, Gaines, Gaston, Gullatt, Hamilton, Hammett, Harvey, Hawkins, Haynes, Higginbotham, Hill, Hogan, Holladay, Holley, Johnson, Knight, Kvalheim, Laird, Layson, Lindsey, Mathis, McDaniel, McKee, Melton, Mikell, Morton, Newman, Newton (C), Parker (P), Parker (T), Payne, Penry, Petelos, Poole, Rich, Rockhold, Rogers (F), Sanderford, Sanderson, Smith (C), Smith (R), Starkey, Turner, Venable, Warren, White, Willis and Zoghby.

-64

Nay:

Representatives Bryant, Buskey (JE), Buskey (JL), Cagle, Clark (W), Crow, Cullins, Escott-Russell, Ford, Holmes, Kennedy, McClain, McDowell, Newton (D) and Rogers (J).

-15

PERMISSION GRANTED

Permission was granted for the Journal to reflect that Representative McMillan intended to vote "Yea" on passage of the bill, H. 294.

MESSAGE FROM THE SENATE

Mr. Speaker:

The President and Presiding Officer of the Senate having signed the following Senate Joint Resolution, your signature thereto is requested:

S.J.R. 45. BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That the provisions of HJR 7 of the 1991 Regular Session shall be applicable to the Lt. Governor of Alabama.

MCDOWELL LEE
Secretary

SIGNING OF SENATE JOINT RESOLUTION

The Speaker of the House, in the presence of the House, immediately after the title had been publicly read by the Clerk, the reading at length having been dispensed with by a two-thirds vote of a quorum present, signed the Senate Joint Resolution, the title of which is set out in the foregoing Message from the Senate.

**REPORT OF THE STANDING COMMITTEE
ON RULES ON ENROLLED AND ENGROSSED BILLS**

Mr. Speaker:

Your Standing Committee on Rules begs leave to report that it has examined the following House Joint Resolution, to-wit:

H.J.R. 7. PROVIDING FURTHER FOR EXPENSE ALLOWANCES AND PER DIEM.

And finds same correctly enrolled.

TOMMY CARTER
Chairman

SIGNING OF HOUSE JOINT RESOLUTION

The Speaker of the House, in the presence of the House, immediately after the title had been publicly read by the Clerk, the reading at length having been dispensed with by a two-thirds vote of a quorum present, signed the House Joint Resolution, the title of which is set out in the foregoing Report of the Standing Committee on Rules.

MOTION TO RECONSIDER LOST

Having voted on the prevailing side, Representative Curry offered the motion to reconsider the vote by which the bill, H. 200, was passed, and the motion to reconsider was lost.

Yeas 28; Nays 29.

Yea:

Representatives Bryant, Buskey (JE), Buskey (JL), Carns, Clark (W), Curry, Escott-Russell, Ford, Gaines, Gaston, Grayson, Hawkins, Holmes, Kennedy, Knight, Kvalheim, McClain, McDowell, McMillan, Morton, Newton (D), Payne, Perdue, Petelos, Rogers (F), Rogers (J), Sanderson and Spratt.

-28

Nay:

Representatives Blakeney, Bowling, Burke, Cagle, Carter, Cullins, Dolbare, Hall, Hamilton, Haney, Harvey, Higginbotham, Hogan, Lindsey, McDaniel, McKee, Mikell, Morrow, Newman, Parker (P), Parker (T), Penry, Powell, Rich, Richardson, Smith (C), Smith (R), Starkey and Venable.

-29

MOTION TO ADJOURN LOST

The motion offered by Representative Freeman that the House adjourn until 10:00 o'clock a.m., Thursday, May 2, 1991, was lost.

Yeas 34; Nays 46.

Yea:

Representatives Anderson, Biddle, Black (L), Bowling, Burke, Butler, Cagle, Clay, Cosby, Crow, Cullins, Dolbare, Drake, Flowers, Freeman, Hammett, Harvey, Haynes, Higginbotham, Hogan, Johnson, Letson, Lindsey, McKee, Mikell, Morrow, Newman, Starkey, Thomas, Turner, Turnham, Venable, Warren and Willis.

-34

Nay:

Representatives Beasley, Black (M), Box, Bryant, Bugg, Buskey (JE), Carns, Clark (W), Curry, Ford, Gaines, Gaston, Gullatt, Hall, Hamilton, Haney, Hawkins, Holley, Hooper, Knight, Kvalheim, Laird, Layson, McClain, McDaniel, McDowell, McMillan, Millican, Morton, Newton (D), Parker (T), Payne, Penry, Perdue, Petelos, Poole, Powell, Rich, Rockhold, Rogers (F), Rogers (J), Sanderson, Smith (C), Smith (R), Spratt and Zoghby.

-46

MOTION TO ADJOURN LOST

The motion offered by Representative Starkey that the House adjourn until 10:00 o'clock a.m., Thursday, May 2, 1991, was lost.

Yeas 30; Nays 40.

Yea:

Representatives Anderson, Biddle, Black (L), Bowling, Cagle, Clay, Cosby, Crow, Cullins, Dolbare, Fuller, Hall, Hammett, Haney, Harvey, Higginbotham, Hill, Hogan, Holladay, McDaniel, McKee, Mikell, Morrow, Newman, Penry, Richardson, Smith (R), Starkey, Venable and Willis.

-30

Nay:

Representatives Beasley, Black (M), Bryant, Buskey (JE), Carns, Carothers, Clark (W), Curry, Escott-Russell, Ford, Gaines, Gaston, Gullatt, Hamilton, Hawkins, Holley, Hooper, Kennedy, Knight, Kvalheim, Laird, Letson, Mathis, McClain, McDowell, McMillan, Morton, Newton (D), Parker (T), Payne, Perdue, Petelos, Powell, Rich, Rogers (F), Rogers (J), Sanderford, Sanderson, Smith (C) and Turnham.

-40

MOTION TO RECONSIDER TABLED

On motion of Representative Harvey, the motion offered by Representative Payne to reconsider the vote by which the bill, H. 201, was passed, was tabled.

Yeas 33; Nays 24.

Yea:

Representatives Beasley, Bowling, Burke, Cagle, Carothers, Cosby, Crow, Cullins, Dolbare, Hamilton, Haney, Haynes, Higginbotham, Hill, Hogan, Johnson, Laird, Lindsey, McDaniel, McKee, Mikell, Morrow, Newman, Penry, Powell, Rich, Richardson, Sanderford, Smith (C), Smith (R), Turnham, Warren and Willis.

-33

Nay:

Representatives Black (M), Buskey (JE), Carns, Clark (W), Curry, Escott-Russell, Gaines, Gaston, Hawkins, Kennedy, Knight, Kvalheim, Letson, McDowell, McMillan, Morton, Newton (D), Parker (T), Payne, Perdue, Petelos, Rogers (F), Sanderson and Spratt.

-24

MOTION TO SUSPEND RULES ADOPTED

On motion of Representative Laird, the rules were suspended in order to take up out of order the Budget Isolation Resolution and the bill, H. 84.

Yeas 68; Nays 6.

Yea:

Representatives Anderson, Beasley, Biddle, Black (M), Blakeney, Bowling, Bryant, Bugg, Burke, Butler, Cagle, Carns, Carothers, Clay, Cosby, Crow, Cullins, Dolbare, Escott-Russell, Freeman, Fuller, Gaines, Gaston, Gullatt, Hall, Hamilton, Hammett, Haney, Hawkins, Haynes, Higginbotham, Hogan, Holladay, Holley, Hooper, Johnson, Knight, Kvalheim, Laird, Layson, Lindsey, Mathis, McDaniel, McKee, McMillan, Mikell, Morrow, Morton, Newman, Newton (C), Parker (P), Parker (T), Payne, Penry, Poole, Powell, Rich, Richardson, Rockhold, Sanderford, Sanderson, Smith (C), Smith (R), Thomas, Turnham, Warren, Williams and Willis.

-68

Nay:

Representatives McClain, McDowell, Newton (D), Perdue, Rogers (J) and Spratt.

- 6

BUDGET ISOLATION RESOLUTION

On motion of Representative Laird, the Budget Isolation Resolution relating to the bill, H. 84, was adopted.

Yeas 78; Nays 4.

Yea:

Representatives Anderson, Beasley, Biddle, Black (M), Blakeney, Bowling, Bugg, Burke, Buskey (JE), Buskey (JL), Butler, Cagle, Carns, Carothers, Clark (W), Clay, Cosby, Crow, Cullins, Curry, Dolbare, Escott-Russell, Ford, Freeman, Fuller, Gaines, Gaston, Gullatt, Hall, Hamilton, Hammett, Haney, Hawkins, Haynes, Higginbotham, Hill, Hogan, Holladay, Holley, Hooper, Johnson, Kennedy, Knight, Kvalheim, Laird, Layson, Lindsey, Mathis, McDaniel, McKee, McMillan, Mikell, Millican, Morrow, Morton, Newman, Newton (C), Parker (P), Parker (T), Payne, Penry, Petelos, Poole, Powell, Rich, Richardson, Rockhold, Rogers (F), Sanderford, Sanderson, Smith (C), Smith (R), Thomas, Turnham, Warren, Williams, Willis and Zoghby.

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Nay:

Representatives McClain, Newton (D), Rogers (J) and Spratt.

- 4

And the bill:

H. 84. To amend Sections 32-6-270 and 32-6-272 of the Code of Alabama 1975, so as to further define the term "Fire Fighter" and to provide further for their distinctive motor vehicle license plates.

was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 76; Nays 1.

Yea:

Representatives Anderson, Beasley, Biddle, Black (M), Blakeney, Bowling, Bryant, Bugg, Burke, Buskey (JE), Buskey (JL), Butler, Cagle, Carns, Carothers, Clark (W), Clay, Cosby, Crow, Cullins, Curry, Dolbare, Escott-Russell, Ford, Freeman, Fuller, Gaines, Gaston, Gullatt, Hall, Hamilton, Hammett, Haney, Haynes, Higginbotham, Hill, Hogan, Holladay, Holley, Hooper, Johnson, Kennedy, Knight, Kvalheim, Laird, Layson, Lindsey, Mathis, McDaniel, McKee, McMillan, Mikell, Millican, Morrow, Morton, Newman, Newton (C), Parker (P), Parker (T), Payne, Penry, Petelos, Poole, Powell, Rich, Richardson, Rockhold, Rogers (F), Sanderford, Sanderson, Smith (C), Smith (R), Turnham, Williams, Willis and Zoghby.

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Nay: Representative Newton (D).

- 1

CO-SPONSORS ADDED

Representatives Anderson, Biddle, Black (M), Blakeney, Bugg, Burke, Buskey (JL), Butler, Cagle, Carothers, Clay, Cosby, Crow, Cullins, Dolbare, Escott-Russell, Freeman, Fuller, Gaines, Gaston, Hall, Hamilton, Hammett, Haney, Hawkins, Haynes, Higginbotham, Hogan, Holladay, Holley, Hooper, Johnson, Knight, Kvalheim, Laird, Layson, Lindsey, Mathis, McDaniel, McKee, McMillan, Mikell, Morrow, Morton, Newman, Parker (P), Parker (T), Payne, Penry, Petelos, Poole, Rich, Rockhold, Sanderford, Sanderson, Smith (C), Smith (R), Turner, Warren, Williams and Willis were added as co-sponsors to the bill, H. 84.

CO-SPONSOR ADDED

Representative Bryant was added as co-sponsor to the bills, H. 550, H. 551, H. 552, H. 553, H. 554, H. 555 and H. 556.

CERTIFICATE OF CLERK

To the House of Representatives:

I hereby certify that the House Joint Resolutions and the House Bill mentioned were delivered to the Executive Department on the date and hour named and that I hold the receipt of the Executive Department for same.

Delivered to the Governor at 2:30 P.M. on April 30, 1991.

H.J.R. 83

Delivered to the Governor at 3:05 P.M. on April 30, 1991.

H.J.R. 87

H.J.R. 89

Delivered to the Governor at 3:55 P.M. on April 30, 1991.

H.J.R. 79

H.J.R. 84

H.J.R. 82

H. 144

Delivered to the Governor at 4:17 P.M. on April 30, 1991.

H.J.R. 7

JOHN W. PEMBERTON
Clerk

ADJOURNMENT

On motion of Representative Ford and pursuant to the resolution, H.R. 91, heretofore adopted, the House adjourned until 10:00 o'clock a.m., Thursday, May 2, 1991.

SIXTH DAY

**House of Representatives
Montgomery, Alabama
Thursday, May 2, 1991**

The House met pursuant to adjournment.

PRAYER

The session was opened with prayer by Reverend Tolen Whitton, United Methodist Church, Millport, Alabama.

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Cindy Wilson, South Lamar High School, Millport, Alabama.

ROLL CALL

On a call of the roll of the House, the following members answered to their names:

Mr. Speaker, Anderson, Barnes, Beasley, Biddle, Black (L), Black (M), Blakeney, Bowling, Bryant, Bugg, Burke, Buskey (JE), Buskey (JL), Butler, Cagle, Carns, Carothers, Carter, Clark (W), Clay, Cosby, Crow, Cullins, Curry, Dolbare, Drake, Escott-Russell, Flowers, Ford, Freeman, Fuller, Gaines, Gaston, Goodwin, Grayson, Gullatt, Hall, Hamilton, Hammett, Haney, Harper, Harvey, Hawkins, Haynes, Higginbotham, Hill, Hogan, Holladay, Holley, Holmes, Hooper, Johnson, Kennedy, Knight, Kvalheim, Laird, Layson, Letson, Lindsey, Mathis, McClain, McDaniel, McKee, McMillan, Melton, Mikell, Millican, Morrow, Morton, Newman, Newton (C), Newton (D), Parker (P), Parker (T), Payne, Penry, Perdue, Petelos, Poole, Powell, Rich, Richardson, Rockhold, Rogers (F), Rogers (J), Sanderford, Sanderson, Smith (C), Smith (R), Spratt, Starkey, Turner, Turnham, Venable, Warren, White, Williams, Willis and Zoghby.

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A quorum was present.

REPORT OF STANDING COMMITTEE ON RULES

House of Representatives:

Your Standing Committee on Rules begs leave to report that it has carefully examined the Journal of the House for the fifth legislative day and finds the same to be correct.

**TOMMY CARTER
Chairman**

On motion of Representative Carter, the reading at length of the Journal of the House for the fifth legislative day was dispensed with, the Report of the Standing Committee on Rules was concurred in and adopted and the Journal for the fifth legislative day was approved.

LEAVES OF ABSENCE

At the request of Representative Carter, leave of absence was granted for Representative Campbell.

Also:

At the request of Representative Hooper, leave of absence was granted for Representative Walker.

Also:

At the request of Representative Zoghby, leave of absence was granted for Representative Box.

Also:

At the request of Representative Bryant, leave of absence was granted for Representative Thomas.

Also:

At the request of Representative Rogers (J), leave of absence was granted for Representative McDowell.

RESOLUTIONS

The following resolutions were introduced:

By Representative Carter:

H.R. 105. RELATIVE TO MEETING DAYS

BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES, That when we adjourn today, Thursday, May 2, 1991, we adjourn to meet again on Tuesday, May 7, 1991, at 1:00 P.M.

On motion of Representative Carter, the rules were suspended and the resolution, H.R. 105, was adopted.

Also:

By Representative Carter:

H.J.R. 106. RELATIVE TO MEETING DAYS

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That when the two houses adjourn today, Thursday, May 2, 1991, they adjourn to meet again on Tuesday, May 7, 1991.

On motion of Representative Carter, the rules were suspended and the resolution, H.J.R. 106, was adopted.

RECESS

On motion of Representative Carter, the House recessed for the purpose of hearing an address by the Honorable Richard L. Thornburg, United States Attorney General.

JOINT SESSION

Pursuant to the resolution, S.J.R. 13, the Senate and the House of Representatives of the Legislature of Alabama met in joint session in the Hall of the House of Representatives for the purpose of hearing an address by the Honorable Richard L. Thornburg, United States Attorney General.

The joint session was called to order by the Honorable Jim Folsom, Lieutenant Governor and Presiding Officer of the Senate.

The Lieutenant Governor and Presiding Officer of the Senate announced that the purpose of the joint session having been accomplished, the Senate would retire to its Chamber.

The Speaker of the House then called the House to order.

BILLS ON SECOND READING

Representative Harper, Chairperson of the Standing Committee on Ways and Means, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, and it was read a second time and placed on the Calendar, to-wit:

H. 88. To create the Catastrophic Trust Fund for Special Education to be administered by the State Department of Education for the purpose of assisting local education agencies in providing special education and related services to children with disabilities in catastrophic cases, and to further provide that unencumbered portions of the funds remain in the Catastrophic Trust Fund for Special Education for future use in such cases.

6th Day

Representative Harper, Chairperson of the Standing Committee on Ways and Means, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, with amendment, and it was read a second time and placed on the Calendar, to-wit:

H. 422. (With Amendment): To exempt employees from paying any occupational tax or similar charge on any vacation, sick leave, expense allowances, insurance or other fringe benefits of monetary value which are not salaries or wages, whether accrued or otherwise; and to provide retroactive effect to 1983.

Representative Harper, Chairperson of the Standing Committee on Ways and Means, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, and it was read a second time and placed on the Calendar, to-wit:

H. 74. To amend further Code of Alabama 1975, Section 32-5-313, relating to penalties for traffic infractions to provide funding for the driver education and training fund the Alabama college system truck driver training consortium fund, the catastrophic trust fund for special education, the Alabama traffic safety center fund and the state safety coordinating committee, so as to increase the penalty and to provide further for the distribution of funds.

Representative Harper, Chairperson of the Standing Committee on Ways and Means, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, with amendment, and it was read a second time and placed on the Calendar, to-wit:

H. 80. (With Amendment): Denying any state tax exemptions or deductions to any private club that discriminates against any person on the basis of race, color, sex, creed or previous condition of servitude and requiring firms, individuals and corporations to disclose to the state revenue department certain membership dues paid to such private clubs.

Representative Harper, Chairperson of the Standing Committee on Ways and Means, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, and they were severally read a second time and placed on the Calendar, to-wit:

H. 282. This bill amends Section 2-5-14, Code of Alabama, 1975, to further define the disposition of funds.

H. 405. To provide for financially assisted continuing education programs for certain teachers; to provide for financially assisted postsecondary education programs for certain residents in a course of study which will qualify said resident to teach in public elementary and secondary schools; to provide for the manner and means of paying for said financial assistance; to require the repayment of said funds by the programs' participants in certain instances; to require programs' participant to teach a certain number of years; to require certain reports to be filed with the legislature; to grant the commission power to make necessary rules and regulations and to repeal Section 16-23-17 of the Code of Alabama 1975, which created the elementary teachers' scholarship fund.

H. 416. To amend §40-23-2, Code of Alabama, 1975, relating to taxes levied on certain gross receipts, so as to provide that athletic events conducted by a primary or secondary public school shall be exempted from said tax and to provide that said funds shall continue to be collected and shall be retained by the collecting school.

H. 181. To create an Alabama Clearinghouse for State Publications within the Alabama Public Library Service and provide for its operations, duties and authority; to authorize reasonable rules and regulations; to provide for the creation of state publications depositories; and to repeal section 41-6-12, Code of Alabama 1975, which requires the printing of 250 additional copies of state publications for use by the Department of Archives and History.

H. 305. To create a new circuit judgeship in the nineteenth judicial circuit and to provide for residency requirements for judgeship number 1, judgeship number 2 and judgeship number 3.

H. 20. To amend Section 41-4-113 of the Code of Alabama 1975, relating to the department of finance's procedures for obtaining supplies or materials for state departments, so as to provide further for such procedures.

H. 21. To amend Section 41-16-24 of the Code of Alabama 1975, relating to bids on public contracts, so as to provide for trade-in value to be credited against cost of certain replacement property.

H. 419. To make a supplemental appropriation from the Farmers' Market Authority Fund to the Farmers' Market Authority for the sum of two hundred thirty-eight thousand five hundred and fifty dollars (\$238,550) for the fiscal year ending September 30, 1991.

H. 351. Proposing an amendment to the Constitution of Alabama of 1901, as amended, to provide that every mayor, sheriff and elected county official shall be entitled to participate in the Employees' Retirement System of Alabama, its successor state employee retirement system, or any municipal or county retirement system in which the employees of such official's respective municipality or county may participate and such official's participation shall be upon the same terms and conditions as may be specified by law or regulation from time to time for the respective municipal or county employees, as the case may be, participating in such retirement system. For the purposes of this amendment the term "elected county official" shall include any official appointed to serve the remaining term of a county elective office.

The above bill was read a second time at length as required by the Constitution.

H. 478. To prohibit the Legislature of Alabama from increasing its expense allowances or any other form of compensation during its term of office.

H. 316. Relating to public institutions of higher education of this state; so as to require the filing of certain information relating to legal fees and expenses by such institutions, and to provide for public access to such information.

6th Day

Representative Harper, Chairperson of the Standing Committee on Ways and Means, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, with amendment, and it was read a second time and placed on the Calendar, to-wit:

H. 548. (With Amendment): To amend Act No. 90-764 passed in the 1990 Regular Session which makes appropriations for ordinary expenses of the executive, legislative and judicial departments of the State by reducing the appropriation from the State General Fund to the Administrative Office of Courts and increasing the appropriation from the State General Fund to the Departmental Emergency Fund for the fiscal year ending September 30, 1991.

Representative Harper, Chairperson of the Standing Committee on Ways and Means, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, and they were severally read a second time and placed on the Calendar, to-wit:

H. 55. To exempt certain rescue service organizations operating within the State of Alabama from all state, county and municipal sales and use taxes.

H. 356. To provide for participation of employees of regional and local legislative delegation offices in the state employees' retirement system.

H. 421. To levy a temporary additional state sales and use tax until the governor declares an end to proration in the special educational trust fund to which the tax is deposited by the state treasurer; to provide for the administration of said tax; and to provide for the expiration of said tax.

Representative Higginbotham, Chairperson of the Standing Committee on Judiciary, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, and they were severally read a second time and placed on the Calendar, to-wit:

H. 320. To amend the Code of Alabama 1975, Section 6-2-8 to remove the category of "persons imprisoned on a criminal charge for any term less than life" from the list of persons who are considered to be under a civil disability with respect to commencing an action, making entry on land, or defending against an action and, as a result of said disability, are, under present law, permitted an additional three years, or the period allowed by law for the commencement of such action if it be less than three years, after release from prison, to commence a civil action, to make entry on land or to enter a defense founded on the title to real property, since inmates in all state penal institutions now have access to law libraries, administrative remedies and access to courts available.

H. 134. To further provide for criminal procedure and to prescribe the conditions for the issuance of warrants for nighttime searches and seizures; and to repeal Sections 15-5-8 and 15-5-12 of the Code of Alabama 1975, relating to search warrants.

Representative Higginbotham, Chairperson of the Standing Committee on Judiciary, reported that said Committee in session had acted on the following bills

and ordered same returned to the House with a favorable report, with amendment, and they were severally read a second time and placed on the Calendar, to-wit:

H. 112. (With Amendment): To amend Section 32-5A-4, Code of Alabama 1975, which prohibits the failure to comply with lawful orders of policemen or firemen so as to include lawful orders of school crossing guards.

H. 344. (With Amendment): To amend Sections 36-25-1 and 36-25-14, Code of Alabama 1975, which relate to the filing of statements of economic interests, so as to provide further for those officials required to file said statement.

H. 42. (With Amendment): To provide that appeals from death sentence cases and from post conviction writs involving such cases shall be directly to the Alabama Supreme Court; to amend Sections 12-3-9 and 13A-5-53, Code of Alabama 1975; and to provide that the Alabama Supreme Court shall amend the Alabama Rules of Appellate Procedure to accommodate and reflect the provisions of this act.

H. 158. (With Amendment): To provide that the governor of Alabama or his designee shall be empowered to allow the transfer of foreign nationals imprisoned in this state to the country of their citizenship subject to the terms of a valid treaty between the United States and that country.

Representative Higginbotham, Chairperson of the Standing Committee on Judiciary, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, and they were severally read a second time and placed on the Calendar, to-wit:

H. 177. To amend certain sections in Title 40 of the Code of Alabama 1975, relating to crimes and offenses committed by employees of the Department of Revenue for violations of revenue and taxation statutes, regulations and procedure requiring confidentiality of information and certain exclusions therefrom; to amend Section 40-18-52, Code of Alabama 1975, to increase the punishment for violation of the confidentiality of income tax returns and income tax information and to amend Section 40-1-33, Code of Alabama 1975, so as to increase the punishment for violation of the confidentiality of all tax returns and information secured by the Department of Revenue; to amend Section 40-1-33, Code of Alabama 1975, to provide for the promulgation of rules and regulations permitting the exchange of tax information with other federal, state, county and municipal government tax agencies and associations of state tax agencies; and to specifically repeal Sections 40-23-29 (relating to confidentiality of sales tax returns), 40-23-84 (relating to confidentiality of use tax returns), 40-14-57 (relating to confidentiality of franchise tax returns), and 40-17-202 (relating to confidentiality of carriers and warehouse returns) of the Code of Alabama 1975 since those provisions would be duplicative of Section 40-1-33, Code of Alabama 1975.

H. 355. To amend Sections 28-3-1 and 28-3-187.1, Code of Alabama 1975, relating to alcoholic beverages, so as to define the term "brandy" and to exempt brandy from certain labeling requirements.

Representative Thomas, Chairperson of the Standing Committee on State Administration, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, and it was read a second time and placed on the Calendar, to-wit:

H. 412. To further provide for payroll deductions for public officers and employees, so as to establish an annual Alabama state employees combined charitable campaign; to repeal Section 36-1-4.1, Code of Alabama 1975, as amended, relating to local United Way agencies and certain other health charities and payroll deductions.

Representative Thomas, Chairperson of the Standing Committee on State Administration, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, with amendment, and it was read a second time and placed on the Calendar, to-wit:

H. 436. (With Amendment): To provide consumers with benefits for the care and treatment of alcoholism and other drug dependency (chemical dependency) in certain group health insurance policies, contracts and plans, which are delivered, issued for delivery, renewed or used in this state; and to repeal sections 27-20A-1 through 27-20A-4, Code of Alabama 1975, relating to alcoholic treatment in group plans.

Representative Thomas, Chairperson of the Standing Committee on State Administration, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, and it was read a second time and placed on the Calendar, to-wit:

H. 161. Relating to the Alabama Sunset Law; to continue the existence and functioning of the state licensing board for general contractors with certain modifications; to amend the following sections of the Code of Alabama 1975, for the purposes stated: section 34-8-2 to provide further for license and renewal fees and a late renewal penalty; section 34-8-4 to authorize administrative fines by the board for violations of chapter 8, Title 34 and for violations of the board's rules and regulations; and Section 34-8-25 to authorize the secretary-treasurer to certify vouchers of the board without the Governor's approval.

Representative Thomas, Chairperson of the Standing Committee on State Administration, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, with substitute, and it was read a second time and placed on the Calendar, to-wit:

H. 135. (With Substitute): To amend Section 1-3-8 of the Code of Alabama 1975 relating to the legal holidays in this state; to provide that National Memorial Day shall be a legal holiday in this state; to provide that Jefferson Davis' birthday shall be observed in conjunction with Confederate Memorial day; to provide that Thomas Jefferson's birthday shall be observed in conjunction with George Washington's birthday; to provide further for the observance of Mardi Gras in this state; and to provide for personal leave days for state employees in lieu of certain holidays.

Representative Thomas, Chairperson of the Standing Committee on State Administration, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, and it was read a second time and placed on the Calendar, to-wit:

H. 466. To amend Sections 24-7-2 and 24-7-3 of the Code of Alabama 1975, which provide for the Mowa Choctaw Housing Authority, so as to provide further for the appointment of members of the Authority and to provide further for the duties and powers of the Authority.

Representative Beasley, Chairperson of the Standing Committee on Business and Labor, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, and it was read a second time and placed on the Calendar, to-wit:

H. 504. To amend Sections 8-19-3, 8-19-5, 8-19-6 and 8-19-8, Code of Alabama 1975, relating to the Deceptive Trade Practices Act, so as to define certain terms and unlawful trade practices; to clarify the unlawful trade practice of odometer tampering and to provide as an unlawful trade practice certain acts relating to promotional giveaways, health spas, career consulting firms, credit repair services and debt adjustment services for a fee; to authorize the attorney general to formulate rules and regulations for enforcing this act; to provide for execution of voluntary compliance agreement; and to provide felony penalties for specific violations.

Representative Carothers, Chairperson of the Standing Committee on Health, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, and they were severally read a second time and placed on the Calendar, to-wit:

H. 423. To amend sections 22-55-2, 22-52-3, 22-52-4, 22-52-6, 22-52-7, 22-52-8, 22-52-9, 22-52-11, 22-52-12, 22-52-13, and 22-52-15, Code of Alabama 1975, relating to mental health and mental retardation, so as to provide further for the involuntary commitment, discharge and transfer of persons in state institutions; to prescribe definitions; to provide for new commitment criteria for persons whom petitions for involuntary commitment have been filed and to grant the department the authority to designate mental health facilities to receive persons for evaluations, admissions, detention, treatment and discharge; to allow designated mental health facilities to contract with public or private mental health facilities, subject to approval by the department, for care and treatment of committed persons; to allow the probate court the alternative to commit a respondent to outpatient treatment; to create standards that the probate court must follow in ordering outpatient treatment and to set a time limit on the outpatient treatment order; to create criteria for inpatient treatment, to set time limits on the order for inpatient commitment, and to provide a mechanism whereby an inpatient commitment order may be extended; to provide for the appointment of special probate judges to consider, hear and enter appropriate orders with regard to the renewal of commitment orders; to allow the transfer of a respondent committed to inpatient treatment to another treatment facility; to grant all persons acting in good faith in connection with the evaluation, examination, certification, testing, admission, detention, treatment or discharge of any respondent, freedom from all civil liability by reason of such action; to specifically

repeal sections 22-52-1 and 22-52-10 of the Code of Alabama 1975; and to provide for an effective date.

H. 424. To amend Section 15-18-8, Code of Alabama 1975, so as to provide that commitment of a convicted defendant to a mental health facility shall be for appropriate clinical purposes only and shall be based on a finding by the court that the defendant meets the criteria for involuntary civil commitment in the state of Alabama.

Representative Carothers, Chairperson of the Standing Committee on Health, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, with amendment, and it was read a second time and placed on the Calendar, to-wit:

H. 425. (With Amendment): To amend Section 22-50-62, Code of Alabama 1975, relating to disclosure of information by the department of mental health and mental retardation, so as to provide that the proceedings, minutes, records, operations and reports of certain internal committees and programs of the department will be privileged and may not be disclosed or obtained except under extraordinary circumstances.

Representative Carothers, Chairperson of the Standing Committee on Health, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, with substitute, and it was read a second time and placed on the Calendar, to-wit:

H. 437. (With Substitute): To require all persons 16 years of age or older to present certification of completion of an approved hunter education course prior to obtaining a hunting license and provides penalties for violations.

Representative Carothers, Chairperson of the Standing Committee on Health, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, and they were severally read a second time and placed on the Calendar, to-wit:

H. 474. To amend Sections 16-47-124 and 16-47-125, Code of Alabama 1975, relating to medical scholarship awards; to provide for rural incentive loans for medical students willing to provide medical care in the underserved rural areas of the state; and to authorize the Board of Medical Scholarship Awards to establish the criteria of eligibility.

H. 388. To amend Sections 32-6-231, 32-6-232 and 32-6-233 of the Code of Alabama 1975, so as to provide for the issuance of distinctive license decals and placards to certain individuals, agencies, nursing homes, churches and charitable institutions transporting one or more handicapped individuals for use in parking spaces reserved for handicapped individuals.

H. 505. To amend Section 9-11-244, Code of Alabama 1975, relating to the taking of certain protected birds or animals by bait, so as to provide for an exception for certain hunting of migratory birds.

H. 523. Relating to nuisances; to provide that a solid waste landfill located within a distance of one mile of a geologic area having multiple sink holes or located within one mile of a private or public aquifer or source of drinking water is deemed to be a nuisance; to provide for remedies for the abatement of any such public nuisance; and to provide for remedies for the abatement of any such private nuisance.

S. 110. To amend Section 34-24-80 and Section 34-24-83, Code of Alabama 1975, relating to the evaluation by the State Board of Medical Examiners of Colleges of Medicine located outside of the United States and the District of Columbia, so as to provide further for such evaluation and the licensing of graduates of such schools.

Representative Zoghby, Chairperson of the Standing Committee on Banking, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, and they were severally read a second time and placed on the Calendar, to-wit:

H. 477. To authorize state agencies an administrative option to require the timely electronic remittance of immediately available funds by any person, corporation or partnership required to satisfy an obligation due any agency of the state of Alabama amounting to one hundred thousand dollars (\$100,000) or more effective January 1, 1992, fifty thousand dollars (\$50,000) or more effective January 1, 1993 and twenty-five thousand dollars (\$25,000) or more effective January 1, 1994; establishes the date from which penalties and interest will be computed; and authorizes the promulgation of rules and regulations governing the manner in which such payments shall be made.

S. 37. Relating to the administration of fiduciary accounts by duly authorized banks and trust companies by requiring timely investment of idle funds, by setting a quality standard, requiring a reasonable rate of return, providing for compensation and providing for the application of this act to fiduciary accounts now existing or hereafter created.

S. 135. To amend Section 11-81-21, Code of Alabama 1975, relating to investment of municipal or county funds, so as to permit municipal and county funds to be invested in certain open-end or closed-end investment trusts which are invested in direct obligations of the United States of America or repurchase agreements respecting such U. S. obligations.

S. 86. Relating to motor vehicles so as to provide that a transaction does not create a sale or security interest merely because the transaction provides that the rental price may be adjusted by reference to the amount realized upon sale or other disposition of the motor vehicle; to provide for severability of the provisions of this act; to provide for repeal of conflicting laws; and to provide for an effective date.

Representative Parker (P), Chairperson of the Standing Committee on Education, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, and they were severally read a second time and placed on the Calendar, to-wit:

H. 413. To amend Sections 16-28-3, 16-28-7, 16-28-9, and 16-28-11, Code of Alabama, 1975, relating to compulsory school attendance, enrollment, and reporting so as to lower the minimum compulsory attendance age from seven to age six and to require kindergarten.

H. 346. To require the reasonable posting of personnel vacancy notices by certain political subdivisions of the state before such personnel positions are to be filled.

H. 150. Relating to the county superintendent of education; amending Section 16-9-24 of the Code of Alabama 1975, to remove the requirement that he is required to maintain an office in the county seat.

H. 359. To repeal Sections 16-9-5, 16-9-6 and 16-9-7 of the Code of Alabama 1975, relating to the nomination by political parties, primary election to nominate and instructions on the ballot of county superintendents of education.

H. 369. To amend Sections 16-28-3, 16-28-7, 16-28-9, and 16-28-11, Code of Alabama, 1975, relating to compulsory school attendance, enrollment, and reporting so as to lower the minimum compulsory attendance age from seven to age five.

Representative Lindsey, Chairperson of the Standing Committee on Agriculture, Forestry and Natural Resources, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, and they were severally read a second time and placed on the Calendar, to-wit:

H. 198. To repeal Section 2-15-40 which defines dealer; to repeal Section 2-15-41 which requires a dealer permit for vehicles hauling livestock; to repeal Section 2-15-42 which provides for forfeiture of the permit for violation of rules and regulations; to repeal Section 2-15-43 which requires dealers to obtain bills of sale and to issue way-bills; to repeal Section 2-15-45 which authorizes the adoption of rules and regulations; to repeal Section 2-15-46 which provides punishment for violations of these Sections; to repeal Section 2-15-47 which exempts the buying or hauling of livestock when the person buying or hauling said livestock is using said livestock for the purpose of grazing, feeding or milking; to repeal Section 2-15-48 which allows the permit required under these Sections to be in addition to any other license required by the state, county, or city.

H. 360. To amend Section 2-15-66 which prohibits certain market employees from purchasing livestock at their market so as to allow market employees to purchase livestock at their market to fill off-market orders; to amend Section 2-15-90 which defines livestock market to allow this definition to also mean person as set out in Section 2-15-91; to amend Section 2-15-93 which requires a bond for livestock weighers to allow the market to post one bond in the amount of \$1,000.00 for all its weighers, but the market shall be liable for the actions of all its weighers and to also allow a bond equivalent to be issued instead of a bond.

H. 390. To amend Sections 9-11-55 and 9-11-56, Code of Alabama, 1975, relating to certain nonresident fishing licenses, so as to further provide for the cost thereof.

H. 402. To amend Sections 22-23-32, 22-23-37, 22-23-40, 22-23-41, 22-23-44, 22-23-47 and 22-23-49, Code of Alabama 1975, relating to the Alabama Safe Drinking Water Act, so as to provide further for the regulatory authority of the department of environmental management, notification of users of certain violations, sampling of water supplied to the public, applications and issuance of permits, and the crime of tampering with a public water supply.

H. 403. To amend Sections 22-24-1, 22-24-4, 22-24-5 and 22-24-8, Code of Alabama 1975, relating to water well standards, so as to provide further for the licensing of well drillers and to repeal Section 22-24-12, Code of Alabama 1975, which exempts Baldwin County from the chapter.

Representative Lindsey, Chairperson of the Standing Committee on Agriculture, Forestry and Natural Resources, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, with amendment, and it was read a second time and placed on the Calendar, to-wit:

H. 404. (With Amendment): To amend Sections 22-25-1, 22-25-2, 22-25-7, 22-25-9, 22-25-11, 22-25-14, and 22-25-15, Code of Alabama 1975, which provide for Water and Wastewater Systems and Treatment Plants, so as to clarify certain definitions, to include wastewater collection systems within the provisions of the chapter, and to provide further for the certification of operators.

Representative Lindsey, Chairperson of the Standing Committee on Agriculture, Forestry and Natural Resources, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, and it was read a second time and placed on the Calendar, to-wit:

H. 447. To amend Section 2-17-10 which provides for the licensing of restricted-use pesticide sellers and dealers so that the annual license is raised from \$10 per license to \$50 per license.

Representative Hooper, Chairperson of the Standing Committee on Commerce, Transportation and Utilities, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, and they were severally read a second time and placed on the Calendar, to-wit:

H. 385. Relating to all civil actions in tort, contract or otherwise against architects and engineers, and against builders who construct or perform or manage construction of an improvement on or to real property designed by and constructed under the supervision of, or constructed in accordance with the plans and specifications prepared by, an architect or engineer, arising out of any defect or deficiency in the design, planning, testing, supervision, administration or observation of construction of an improvement on or to real property, or arising out of any defect or deficiency in the construction of an improvement on or to real property; to provide a definite statute of limitations of three years after a cause of action accrues or arises in all such actions; to provide a bar to relief for all causes of action and to all rights of action which accrue more than seven years after the

substantial completion of construction of an improvement on or to the real property; to provide when a cause of action accrues or arises; to provide that this Act does not apply to causes of action which have accrued prior to its effective date; to provide that this Act does not create any cause of action against such architects or engineers or builders or any other persons; to exclude causes or rights of action against manufacturers of products; to extend the bar of causes or rights of actions for breach of contract arising out of written express warranties to coincide with the period thereof; to define terms; and to repeal all conflicting laws.

H. 386. Relating to all civil actions in tort, contract or otherwise against materialmen who provide labor, material and supplies used in the construction of an improvement on or to real property; to provide a definite statute of limitations of three years after a cause of action accrues or arises in all such actions; to provide a bar to relief for all causes of action and to all rights of action which accrue more than seven years after the substantial completion of construction of an improvement on or to the real property; to provide for an exception to the bar to relief with respect to actions accruing more than seven years after the substantial completion of construction of an improvement on or to real property where there is a written express warranty or indemnity which by the written terms thereof shall extend beyond the period of seven years; to provide when a cause of action accrues or arises; to provide that this act applies to causes of action which have accrued prior to its effective date; to provide that this act does not create any cause of action against materialmen or any other person; to define terms; and to repeal all conflicting laws.

Representative Hooper, Chairperson of the Standing Committee on Commerce, Transportation and Utilities, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, with amendment, and it was read a second time and placed on the Calendar, to-wit:

H. 343. (With Amendment): To amend Section 32-5-76, Code of Alabama 1975, relating to spilling of loads on to highways, so as to prohibit persons hauling uncovered garbage, paper or litter.

Representative Hooper, Chairperson of the Standing Committee on Commerce, Transportation and Utilities, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, and they were severally read a second time and placed on the Calendar, to-wit:

H. 450. To further provide for property assessments and ad valorem taxes, so as to allow credit on certain ad valorem taxes owed by owners on property and housing for certain elderly, disabled and families of low or moderate income who live in rental or cooperative housing, built pursuant to 42 U.S.C.A. 1471, 42 U.S.C.A. 1485 or Federal Regulation, 7 C.F.R. Section 1944; to provide retroactive effect; and to make such credit allowance pursuant to Amendment No. 373 of the Constitution of 1901, subsection (g).

H. 482. To provide for mandatory errors and omissions insurance coverage for all active real estate licensees; to authorize the real estate commission to

contract for such coverage in compliance with state competitive bid laws; to allow optional coverage by any insurance carrier which meets minimum standards; to provide that no such coverage shall be required when it is not available at a reasonable premium and to authorize such commission to promulgate and implement administrative rules and procedures to carry out the provisions of this act.

Representative Hooper, Chairperson of the Standing Committee on Commerce, Transportation and Utilities, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, with amendment, and it was read a second time and placed on the Calendar, to-wit:

H. 535. (With Amendment): To amend Section 35-9-1 of the Code of Alabama 1975, relating to landlord and tenant law, so as to provide for an implied covenant in every lease regarding action which threatens the welfare of the tenant, other tenants, or other persons on the premises.

Representative Hooper, Chairperson of the Standing Committee on Commerce, Transportation and Utilities, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, and they were severally read a second time and placed on the Calendar, to-wit:

H. 534. To amend Sections 6-6-310 and 35-9-6, Code of Alabama 1975, relating to civil procedure in termination of tenancy situations, so as to remove the necessity for demand for possession and to provide further for the notice requirements.

H. 536. To amend Sections 35-9-83, 35-9-85 and 35-9-87, Code of Alabama 1975, relating to eviction actions, so as to provide further for removal to circuit court by the tenant and for appeals in said actions.

Representative Gullatt, Chairperson of the Standing Committee on Local Government, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, and they were severally read a second time and placed on the Calendar, to-wit:

H. 142. To amend Section 11-50-342 of the Code of Alabama 1975, relating to the membership of the board of water and sewer commissioners so as to provide further for an increase in said membership.

H. 396. To authorize any Class 2, 3, 4, 5, 6, 7 or 8 municipality, operating under a council-manager form of government or under a mayor-council-city manager form of government, to establish a council-manager form of government; to provide for an election for the qualified electorate to continue to operate under the council-manager form of government under this act or to choose the mayor-council form of government pursuant to Section 11-43-1, et seq. of the Code of Alabama 1975, which provides for the operation and administration of such governing body; to provide for the powers, duties and responsibilities and terms of office for each form of government; to prescribe that any annexation and the present boundaries shall continue; to provide that the mayor and council members

shall continue in office until the expiration of their current terms; to provide for the composition of the council and the number of single-members districts and for certain municipal officers; to preserve any current civil service or merit system; to provide for the transition of powers, duties and assets of any office, department, board, commission or agency where applicable, as well as the continuation of all contracts, public improvements, ordinances providing for civil or criminal penalties, the proceedings of the municipality, and resolutions; to provide for referendum procedures and the effective date; to provide for fiscal and budgetary matters of the governing body and municipality; to repeal any laws or parts of laws in conflict with this act; and to prescribe criminal penalties for violations.

H. 298. To amend Section 11-50-313, Code of Alabama 1975, which relates to municipal water works boards, so as to provide further for the compensation of members of the boards.

H. 383. To repeal Section 11-43-11 of the Code of Alabama 1975, which prohibits employment of municipal officers by corporations holding franchises as to the use of streets of the municipality.

H. 428. To amend Section 11-43C-52, Code of Alabama 1975, relating to certain procedures under the mayor-council form of government for Class 5 municipalities, so as to provide further for the vote to override a line item veto of the mayor.

H. 429. To amend Section 11-43C-21, Code of Alabama 1975, relating to the powers of the council under the mayor-council form of government for Class 5 municipalities, so as to provide further that the council shall have the power to appoint certain employees to serve the council.

H. 458. To amend further Section 11-3-4, Code of Alabama 1975, relating to the compensation of county commissioners, so as to change the amount allowed for mileage to the amount allowed by the internal revenue code for income tax deductions.

Representative Fuller, Chairperson of the Standing Committee on Military Affairs, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, and they were severally read a second time and placed on the Calendar, to-wit:

H. 2. To exempt any resident of the state who is a veteran from the payment of any state fees for the issuance or renewal of a driver's license.

H. 94. Relating to education; to provide that public school students be instructed in the historical significance of Veteran's Day and National Memorial Day; and to require the celebration of Veteran's Day and Memorial Day by holding an observance prior to November 11, Veteran's Day and an observance on or before May 30, Memorial Day in all public schools.

H. 113. To amend section 31-2-13, Code of Alabama 1975, relating to paid leave of absence for military duty for up to 21 working days per year, so as to authorize public and private employers to extend paid leave and benefits for its

employees beyond said 21 day limit, and to retroactively validate and authorize any such action taken by an employer on or after October 1, 1990, by making the effective date of this act retroactive to October 1, 1990.

H. 180. Relating to persons who are required to register with the U. S. Selective Service System, so as to provide that such persons may not enroll in institutions of higher learning nor be offered employment or advancement or promotion by the State of Alabama unless such persons offer proof that they have so registered, and to authorize the State Personnel Board and the institutions of higher learning to promulgate necessary rules and regulations.

Representative McDaniel, Chairperson of the Standing Committee on Small Business, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, and it was read a second time and placed on the Calendar, to-wit:

H. 36. To further amend Section 40-9-12, Code of Alabama, 1975, as last amended so as to provide exemptions of all real and personal property of Alabama Goodwill Industries, Inc., Goodwill Industries of Mobile Area, Inc. and Goodwill Industries of Central Alabama, Inc. from the payment of any and all state, county and municipal taxes, licenses, fees and charges of any nature whatsoever, including any privilege or excise tax heretofore or hereafter levied by the state of Alabama or any county or municipality thereof.

Representative Gaston, Chairperson of the Standing Committee on Oil and Gas, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, and it was read a second time and placed on the Calendar, to-wit:

H. 392. To permit a domestic limited partnership to merge with one or more domestic limited partnerships, corporations or certain other business entities; to provide for the requirements, effects and procedures of merging said entities; to provide for certain filings and reports and the contents and effect of said filings and reports; to provide for service of process; and to provide for the vesting of certain rights, privileges, powers, property, liabilities and duties.

Representative Bowling, Chairperson of the Standing Committee on Local Legislation No. 1, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, with amendment, and it was read a second time and placed on the Calendar, to-wit:

H. 114. (With Amendment): Providing for a board of education for the City of Attalla, Alabama, to be elected by the qualified electors of said city; providing that the members of such board shall be elected from defined school districts; providing for the terms of office, qualifications and compensation of such members; prescribing procedures for electing such members and for filling vacancies on such board; providing for board representation for persons not residing within a specific school district; providing certain immunity for such board members; providing for financial audits of the records of such board; and providing that this act shall become effective only upon the ratification of an

amendment to the Constitution of Alabama 1901, authorizing an elected school board for the City of Attalla.

Representative Bowling, Chairperson of the Standing Committee on Local Legislation No. 1, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, and they were severally read a second time and placed on the Calendar, to-wit:

H. 115. Relating to taxation in Etowah County; authorizing the Etowah County Commission to levy either a county gasoline tax not to exceed a certain amount that would remain in effect indefinitely or to levy a certain sales and use tax that would only be in effect from its imposition date until December 31, 1995, providing that whichever county tax is imposed shall be administered, enforced and collected as provided by law by the state revenue department under terms of contract with the county; providing for enforcement penalties; and providing that the proceeds of the revenue raised from whichever tax is so imposed shall be deposited in a special fund in the county treasury to be expended for construction and maintenance of a county jail and renovation of the existing county courthouse.

H. 116. Relating to Etowah County; authorizing the Etowah County Commission to levy a user fee on the issuance of all motor vehicle license tags for passenger automobiles and trucks of any nature in addition to any and all other charges, costs, taxes or fees levied thereon; and providing for the payment, collection and distribution of the net revenues from such user fees.

H. 130. Proposing an amendment to the Constitution of Alabama of 1901, providing for the election of the members of the board of education in the City of Attalla, Alabama.

The above bill was read a second time at length as required by the Constitution.

Representative Bowling, Chairperson of the Standing Committee on Local Legislation No. 1, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, with amendment, and it was read a second time and placed on the Calendar, to-wit:

H. 311. (With Amendment): To propose an amendment to the Constitution of Alabama of 1901; to authorize the operation of bingo games for prizes or money by certain nonprofit organizations for charitable or educational purposes in St. Clair County.

The above bill was read a second time at length as required by the Constitution.

Representative Bowling, Chairperson of the Standing Committee on Local Legislation No. 1, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, and they were severally read a second time and placed on the Calendar, to-wit:

H. 312. Relating to St. Clair County; to provide for the operation of bingo games for prizes or money only by qualified organizations for bona fide charitable, educational or other lawful purposes; to provide for permits or licenses, applications, forms and contents to operate bingo; to provide for special permits or licenses; to prohibit certain activities and impose special requirements; to provide for fees and expenses; to provide for the disposition of proceeds; to provide for the operation of bingo; to provide for the keeping of records and their inspection; to provide for the issuance and revocation of permits or licenses; to provide for supervision by the circuit court; to provide for certain powers and duties of the sheriff; to provide for penalties and forfeitures; and to provide that this act shall become effective upon the adoption of an amendment to the Constitution of Alabama of 1901 authorizing bingo in St. Clair County.

H. 493. Relating to Sumter County; providing certain additional compensation for the poll workers to be paid from the county general fund.

H. 140. Relating to the City of Scottsboro in Jackson County, granting certain authority to the electric power board.

S. 60. Relating to Limestone County and the regulation and operation of privately-owned or controlled regional landfills for solid waste so as to further provide for such solid waste landfill operation and location within the county; providing that any such regulation and restriction shall be cumulative to any other provisions of law, rule or regulation on solid waste; and requiring the Limestone County Commission to call for a referendum election on the question of location or acceptance of any privately-owned or controlled regional landfill within the county prior to such operation, location or acceptance; and providing severability and effective date.

H. 500. Relating to Limestone County; providing that there shall be only one landfill in the county.

Representative Bowling, Chairperson of the Standing Committee on Local Legislation No. 1, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, with substitute, and it was read a second time and placed on the Calendar, to-wit:

H. 139. (With Substitute): Relating to Jackson County; providing further for the fees for the issuance of pistol permits; providing for the deposit of such fees in a fund known as the Sheriff's Law Enforcement Fund; and repealing Act No. 211, H. 854, 1971 Regular Session, (Acts 1971, p. 507).

S. 27 REREFERRED

No objection being offered, the Speaker rereferred the bill, S. 27, from the Standing Committee on Ways and Means to the Standing Committee on Commerce, Transportation and Utilities.

RESOLUTIONS

The following resolutions were introduced:

By Representatives Laird and Haynes:

H.J.R. 107. COMMENDING SOUTHERN UNION STATE JUNIOR COLLEGE, WADLEY, ALABAMA, ON RECOGNITION BY THE NATIONAL COUNCIL FOR MARKETING AND PUBLIC RELATIONS.

WHEREAS, it is with great pride and pleasure that the Legislature of Alabama congratulates Southern Union State Junior College, Wadley, Alabama, as the recipient of the Paragon Award of Excellence by the National Council for Marketing and Public Relations; and

WHEREAS, the Paragon Awards recognize outstanding achievement in communications for community, junior and technical colleges and, this year, 300 colleges from throughout the nation submitted more than 1,360 entries; and

WHEREAS, from among these many hundreds of entries, Southern Union received first place for best video advertisement for the college's television commercial, "Talkin' Southern," and also received second place for best radio advertisement entitled, "Big Huge"; and

WHEREAS, Southern Union State Junior College, which was cited for setting "the national standard for television advertising within the two-year college system," is indeed a credit to Alabama and, through national recognition, has brought great honor to our state; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we hereby most heartily congratulate and commend Southern Union State Junior College, Wadley, Alabama, and do further provide that a copy of this resolution be provided for presentation to Southern Union president, Dr. Richard Fredericks.

On motion of Representative Laird, the rules were suspended and the resolution, H.J.R. 107, was adopted.

Also:

By Representatives Laird and Haynes:

H.J.R. 108. RECOGNIZING THE ACCOMPLISHMENTS OF THE TALLADEGA CLAY RANDOLPH COOSA CHILD CARE CORPORATION.

WHEREAS, it is with great pride and pleasure that the Alabama Legislature commends the Talladega-Clay-Randolph Coosa (TCRC) Corporation on accreditation of its TCRC Child Care/Head Start program by the National Academy of Early Childhood Programs, a division of the National Association for the Education of Young Children; and

WHEREAS, TCRC/HS, in achieving said accreditation, is but the third accredited program and the only Child Development Head Start program in Alabama to meet the stringent criteria for endorsement by the National Academy; and

WHEREAS, although long recognized as exemplary by universities and federal and state agencies, TCRC/HS initiated the lengthy self-study and evaluation process for national accreditation to assure that those in their charge would be offered the best possible care, and that responsible stewardship of state and federal funds would be unmistakably clear; and

WHEREAS, now having reached that goal, following comprehensive professional review, the TCRC/HS program quality and competency of staff, more than 60% of whom hold professional degrees and/or Child Development Associate (CDA) credentials, have been verified and found to be in total compliance with the National Academy's exacting criteria for a high quality early childhood program; and

WHEREAS, the accredited TCRC/HS program is offered at the Roanoke, Talladega, Drew Court (Sylacauga), Childersburg and Lineville Child Development/Head Start Centers and their respective directors, who have become leaders in their field, are Clarence Hodges, Marsha Jones, Jane Ezekiel, Jewel Woodfin and Junie Kerley; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That in recognition of outstanding achievement and accreditation by the National Academy of Early Childhood Programs, we hereby most highly commend the TCRC Child Care/Head Start Program, and do further direct that copies of this resolution be provided to TCRC/HS Executive Director Eleanor Brantley for presentation and display by the hereinabove named program centers.

On motion of Representative Laird, the rules were suspended and the resolution, H.J.R. 108, was adopted.

Also:

By Representatives Clark (W) and Kennedy:

H.J.R. 109. CONGRATULATING MRS. MINNIE TURNBO OF WHISTLER, ALABAMA, ON THE OCCASION OF HER 110TH BIRTHDAY.

WHEREAS, it is with great pleasure that the Alabama Legislature congratulates Mrs. Minnie Turnbo of Whistler, Alabama, on her 110th birthday, May 10, 1991; and

WHEREAS, Mrs. Turnbo, the mother of twelve children, three of whom are deceased, is a native of Maplesville in Chilton County, Alabama, where she was born on May 10, 1881; and

WHEREAS, Mrs. Turnbo is a well-known and much loved member of the

Whistler community who, despite her advanced years, remains active as a member of the Prichard Housing Authority Senior Choir; visits the sick on a daily basis; and is active in many other endeavors, continuing to amaze everyone with her alertness, positive attitude, devotion to mankind and her ever-present warm and friendly smile; and

WHEREAS, Mrs. Turnbo, on birthday occasions, has received best wishes from the President of the United States, the City of Prichard and the State of Alabama, honoring her longevity and wishing her continuing good health, happiness and joy; and

WHEREAS, Mrs. Minnie Turnbo continues to attribute her long life to praising God on a daily basis, having a pleasant attitude and believing that everyone is equal; now therefore,

BE IT RESOLVED BY THE THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That in great pleasure, we join with family and friends of Mrs. Minnie Turnbo of Whistler, Alabama, in celebrating her 110th birthday, and do further direct that she and other family members receive a copy of this resolution executed in sincere admiration and esteem, and with all best wishes for many years to come.

On motion of Representative Clark (W), the rules were suspended and the resolution, H.J.R. 109, was adopted.

Also:

The following resolutions were introduced and distributed according to Joint Rule 11:

By Representatives Clark (W) and Kennedy:

H.R. 110. CONGRATULATING MRS. MINNIE TURNBO OF WHISTLER, ALABAMA, ON THE OCCASION OF HER 110TH BIRTHDAY.

Also:

By Representative Dolbare:

H.R. 111. COMMENDING MARY L. LAW FOR OUTSTANDING SERVICE TO THE WASHINGTON COUNTY BOARD OF EDUCATION.

Also:

By Representative Dolbare:

H.R. 112. COMMENDING HELEN LITTLE FOR OUTSTANDING SERVICE TO THE WASHINGTON COUNTY BOARD OF EDUCATION.

Also:

By Representative Dolbare:

H.R. 113. COMMENDING LOLA REED FOR OUTSTANDING SERVICE TO THE WASHINGTON COUNTY BOARD OF EDUCATION.

Also:

By Representative Dolbare:

H.R. 114. COMMENDING VANELLA WEAVER FOR OUTSTANDING SERVICE TO THE WASHINGTON COUNTY BOARD OF EDUCATION.

Also:

By Representative Dolbare:

H.R. 115. COMMENDING CARLEE TANNER FOR OUTSTANDING SERVICE TO THE WASHINGTON COUNTY BOARD OF EDUCATION.

Also:

The following resolutions were introduced:

By Representative Curry:

H.J.R. 116. COMMENDING SHELLIE PHILLIPS OF BESSEMER, ALABAMA, A DISTINGUISHED PATRIOT AND VETERAN OF WORLD WAR I.

WHEREAS, in tribute to our state's distinguished veterans of World War I, the Alabama Legislature commends Shellie Phillips of Bessemer, Alabama, an exemplar of all those who served with honor in answer to their country's call; and

WHEREAS, Mr. Phillips, a native Georgian, was a resident of Tennessee in 1917 when his national guard unit was mobilized and deployed to Camp Wheeler in Macon, Georgia, with the 122nd Infantry; he later transferred to the 5th Signal Corps where he remained until the war was over and his discharge in 1920; and

WHEREAS, also stationed at Little Silver, New Jersey, Charlotte, North Carolina, and Camp Meade, Maryland, Private Phillips, while with the 5th Signal Corps, was involved in the training of pigeons to be used by our troops to send messages from the front lines to headquarters; reportedly, as a result of messages sent by these carrier pigeons, hundreds of lives were saved; and

WHEREAS, following the war, Mr. Phillips moved to Bessemer where he met and married his wife, Willie, a widow with five children, and in 1940, their daughter Patricia was born; and

WHEREAS, Shellie Phillips is one of the few World War I veterans in the Jefferson County area, and it is through him that we desire to honor all Alabama

veterans of the First World War; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That in recognition of outstanding service to his country, 1917-1920, and on behalf of his fellow veterans of World War I, we hereby most highly commend Shellie Phillips of Bessemer, Alabama, in whom we are justly proud and for whom a copy of this resolution shall be provided.

On motion of Representative Curry, the rules were suspended and the resolution, H.J.R. 116, was adopted.

Also:

By Representative Curry:

H.J.R. 117. COMMENDING HENRY EUGENE ERWIN OF LEEDS, ALABAMA, RECIPIENT OF THE MEDAL OF HONOR.

WHEREAS, a native son in whom we are justly proud, is Henry Eugene (Red) Erwin of Leeds, Alabama, a veteran of World War II and recipient of the Medal of Honor, our nation's highest military award for valor in action against an enemy of the United States; and

WHEREAS, Red Erwin was serving with the United States Army Air Corps when, on April 12, 1945, his eleven-man crew was flying its 17th mission for a B-29 Super Fortress carrying 10 tons of explosives; and

WHEREAS, Sergeant Erwin was in the process of launching phosphorus bombs when one exploded in the launching chute and shot back into the aircraft, striking him in the face; and

WHEREAS, to save the aircraft and crew, he picked the bomb up and instinctively headed for the co-pilot's window; with the burning bomb clasped to his body, he cleared away obstacles with burning fingers, threw the bomb from the plane and collapsed upon the floor with his body in flames; and

WHEREAS, Sergeant Henry Eugene Erwin received the Medal of Honor on April 19, 1945, in his hospital room on a remote island in the Pacific and on October 8, 1947, following 43 operations, was discharged from the military and returned home with his wife, Betty, to Jefferson County where they raised their family, residing in Hueytown and Ensley Highlands before moving to Leeds in 1978; and

WHEREAS, Henry Eugene Erwin is indeed an outstanding American patriot who, in receiving the Medal of Honor, distinguished himself greatly and brought honor also to his native state; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we hereby stand in tribute to the courage of Henry Eugene Erwin of Leeds, Alabama, and, in token of highest commendation, do further direct that he receive a copy of this resolution of gratitude and praise.

On motion of Representative Curry, the rules were suspended and the resolution, H.J.R. 117, was adopted.

Also:

By Representative Holladay:

H.J.R. 118. COMMENDING THE PELL CITY HIGH SCHOOL LADY PANTHERS ON THE 1991 STATE CLASS 5A BASKETBALL CHAMPIONSHIP.

WHEREAS, the Legislature of Alabama, in highest commendation, congratulates the Lady Panthers of Pell City High School as our 1991 State Class 5A Basketball Champions; and

WHEREAS, under the talented leadership and direction of Coach Joyce Beaty and Assistant Coaches Freida Emmanuel and Joe Fuller, the Pell City Ladies travelled to the State Playoffs with a will to win and, not to be denied, systematically and handily dealt with Ramsay (64-32), Pinson Valley (73-35), John Carroll (101-34), Gadsden (81-41) and Homewood (79-50); and

WHEREAS, the Lady Panthers then faced Williamson High School in the semifinals which ended 62-50 to place Pell City against Hamilton High for the State Title; and

WHEREAS, following a decisive 87-54 victory in the Championship game, the Lady Panthers, who proudly claimed the State 5A Crown for Pell City, were Paige McMahon, Wendy Ely, Misty Fuller, Alecia Green, Amy Golden, Brooke Jolley, Tara Stuart, Tawana Gover, Phaith Frazier, Chrissa Freeman and Lauren Sippola, along with statistician Lydia Hughes and team managers Mary Speer and Jean Speer; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That in recognition of outstanding achievement, we hereby most heartily congratulate and commend the Pell City High School Lady Panthers and their coaches on the 1991 State Class 5A Basketball Championship, and do further direct that copies of this resolution be forwarded to Pell City principal Tommy Gilbert for appropriate presentation and school display.

On motion of Representative Holladay, the rules were suspended and the resolution, H.J.R. 118, was adopted.

Also:

By Representative Anderson:

H.J.R. 119. COMMENDING THE DECATUR HIGH SCHOOL LADY RED RAIDERS ON THE 1991 STATE CLASS 6A BASKETBALL CHAMPIONSHIP.

WHEREAS, the Legislature of Alabama most heartily congratulates and commends the Decatur High School Lady Red Raiders who, as defending

Champions, captured the State Class 6A Girls' Basketball Championship for the second consecutive year; and

WHEREAS, the Lady Red Raiders, who travelled to State under the talented direction and leadership of Head Coach Mike Smith and Assistant Coach Denice Allen, downed Carver of Montgomery (53-47) and Wenonah (73-53), in the semifinals and finals respectively, to claim back-to-back State Titles for Decatur High; and

WHEREAS, we further note the Decatur High Ladies, ranked number one in the State the entire season, were number seven in the nation in the final ranking of USA TODAY; and

WHEREAS, contributing greatly to the 1991 championship season were Lady Red Raiders Yolanda Watkins, two-time First Team Parade All-American, and three-time First Team All-State; Courtney Trimble, captain; Shondra Fuller, two-time Second Team All-State, who set a State Tournament scoring record of 92 points in two games; along with talented teammates Nikki Black, Nina Burleson, Rosie Wallace, Karen Estes, Wendy Wallace, Kim Dover, Ginny Ozier, Melissa Bailey, Joyce Brannon and Patreece Jones; and Tammi Balbuena, Sally Balbuena, Jennifer Bentley and Julie Hyatt, rotating as team managers and statisticians; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That in recognition of outstanding achievement as both the 1990 and 1991 State Class 6A Girls' Basketball Champions, we hereby most highly commend the Lady Red Raiders of Decatur High School, and do further direct that copies of this resolution be provided for appropriate presentation and display at Decatur High School.

On motion of Representative Anderson, the rules were suspended and the resolution, H.J.R. 119, was adopted.

Also:

By Representatives Gaston and Kvalheim:

H.J.R. 120. COMMENDING BEA VOLKMAN OF MOBILE FOR OUTSTANDING CONTRIBUTIONS TO PUBLIC EDUCATION AND TO THE COMMUNITY.

WHEREAS, the Legislature of Alabama most highly commends and congratulates Bea Volkman, a Mobile County public school teacher, as Alabama's 1990 Elementary Teacher of the Year, and as one of four finalists in the National Teacher of the Year competition, who were selected by the Council of Chief School Officers and the Encyclopedia Britannica; and

WHEREAS, Mrs. Volkman, who has earned the B. S. degree in Education from Drake University and her Master of Education degree from the University of South Alabama, is the arts facilitator at Old Shell Road and Dunbar magnet schools for creative and performing arts; and

WHEREAS, a veteran of 18 years as a classroom teacher of learning disabled children in kindergarten through fifth grades, Mrs. Volkman was a learning disabilities resource teacher at Semmes Elementary School when she entered the 1990 Teacher of the Year competition; and

WHEREAS, in professional involvement, Mrs. Volkman is affiliated with the Learning Disabilities Association, Council for Exceptional Children, Association for Supervision and Curriculum Development, Phi Delta Kappa, the Mobile County, Alabama and National Education Associations, Beta Tau Chapter of Delta Kappa Gamma and several reading associations on the local, state and international levels; she also is a former member of the Superintendent's Advisory Board and past chairman of the Principal's Advisory Board; and

WHEREAS, she further has made presentations before a number of state-level conventions, including those of the Alabama Reading Association, Alabama Association for Curriculum Development, Council for Exceptional Children, and the Principals and Administrators Conference; and

WHEREAS, Mrs. Volkman, in reflection of her achievements, has received grants from the Mobile Arts Council and the Junior League of Mobile; was the recipient of the Outstanding Teacher of the Year award (1987-1988); and has been nominated for Troy State University's Teacher Hall of Fame and for Mobile's Outstanding Career Woman, 1988; and

WHEREAS, in an extension of her many involvements, Mrs. Volkman has also assumed a leadership role in the community as a former board member of the Children's Theatre and past program chairman for the Christian Woman's Club; she currently is active in the Mobile Opera Guild, Exploreum (board membership), Mobile Area Chamber of Commerce Educational Task Force, Challenge 2000, and is an active member of Holy Cross Lutheran Church; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That in recognition of distinguished professional achievement and service, we hereby most highly commend Alabama's 1990 Elementary Teacher of the Year, Bea Volkman of Mobile, Alabama, for whom a copy of this resolution of sincere praise and regard shall be provided.

On motion of Representative Gaston, the rules were suspended and the resolution, H.J.R. 120, was adopted.

Also:

By Representative Bowling:

H.J.R. 121. RECOGNIZING THE ALABAMA JUNIOR COLLEGE ATHLETIC HALL OF FAME.

WHEREAS, junior college athletics started in Alabama in 1891; and

WHEREAS, the Alabama Junior College Athletic Hall of Fame was

established in 1989 to recognize outstanding contributions to athletics in Alabama; and

WHEREAS, the Class of 1991 has been duly elected; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we hereby congratulate and recognize the Alabama Junior College Athletic Hall of Fame Class of 1991.

BE IT FURTHER RESOLVED, That each of the following 1991 Alabama Junior College Athletic Hall of Fame inductees shall receive a copy of this resolution: James William Armstrong, Jefferson State Community College; Maxie Gene Boles, Central Alabama Community College; Willie Dee Edison, Southern Union State Junior College; John Gary Oppert, Wallace State Community College, Dothan; Randy Duane Putman, Jefferson State Community College; and Jerome Walton, Enterprise State Junior College.

On motion of Representative Bowling, the rules were suspended and the resolution, H.J.R. 121, was adopted.

Also:

By Representative McKee:

H.J.R. 122. CONGRATULATING ANITA TATUM OF MONTGOMERY, ALABAMA, FOR OUTSTANDING PUBLIC SERVICE

WHEREAS, Anita Tatum of Montgomery, Alabama, served seven years on the Montgomery County Board of Registrars; and

WHEREAS, during this time Mrs. Tatum was instrumental in establishing and implementing procedures for voter reidentification, working in a spirit of cooperation with all interested parties and agencies which resulted in purging over 47,000 invalid names from the county voting lists; and

WHEREAS, her exemplary conduct earned her the respect of all citizens; and

WHEREAS, Mrs. Tatum served as president of the Alabama Association of Boards of Registrars for two years, working tirelessly and unselfishly to advance the interests of that organization; and

WHEREAS, she has served as Director of Voter Registration for the State of Alabama since January 1, 1989; and

WHEREAS, in all her activities, she has exhibited an extraordinary degree of dedication and commitment; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we hereby commend Anita Tatum for her many years of outstanding public service and request that a copy of this resolution be sent to her.

On motion of Representative McKee, the rules were suspended and the resolution, H.J.R. 122, was adopted.

Also:

The following resolution was introduced and distributed according to Joint Rule 11:

By Representative Black (L):

H.R. 123. CONGRATULATING MRS. JANIE MASON ON THE OCCASION OF HER 80TH BIRTHDAY.

Also:

The following resolution was introduced:

By Representatives Turnham and Higginbotham:

H.J.R. 124. COMMENDING T. C. BRITTON, JR., FOR DISTINGUISHED SERVICE TO THE STUDENTS AND SCHOOLS OF LEE COUNTY, ALABAMA.

WHEREAS, T. C. Britton, Jr., a native of Millry, Alabama, and a graduate of Millry High School, also is a 1956 graduate of Livingston State College with a B.S. degree in Education and holds both a Master of Education degree in School Administration and AA certification in School Administration and Supervision from Auburn University; and

WHEREAS, Mr. Britton began his teaching career as a teacher, head coach, and athletic director at Smiths Station High School where he initiated the school's football program and accumulated a win-loss record of 99-23 over a 13-year period; also during his tenure at Smiths Station, he served as a counselor, assistant principal, and building principal; and

WHEREAS, during 1968, Mr. Britton campaigned for and was elected Superintendent of Education for the Lee County Board of Education, and is now completing his fifth term of office in said position; and

WHEREAS, under Mr. Britton's leadership for the past 22 years, enrollment in the Lee County schools has grown from 4,100 students to over 5,600, and the system has remained fully accredited; and

WHEREAS, in spite of a steady growth in school population, several periods of economic instability, and fiscal funding hardships, Mr. Britton, upon retirement at the close of the current school year, will leave a system that boasts fully modernized facilities with centrally heated and air conditioned buildings, and one which is financially stable and debt-free; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That in recognition of outstanding service to the students and schools of Lee County, Alabama, from 1956-1991, we hereby

commend Superintendent of Education T. C. Britton, Jr., and do further direct that he receive a copy of this resolution, executed in highest personal regard and with sincere best wishes for every future success in continuing community service and involvement.

On motion of Representative Turnham, the rules were suspended and the resolution, H.J.R. 124, was adopted.

INTRODUCTION OF BILLS

Upon a call of Districts, bills were introduced, severally read one time and referred to appropriate standing committees as follows:

By Representative Hall:

H. 557. Authorizing the use of crossbows to hunt deer by handicapped persons.

COMMITTEE ON AGRICULTURE, FORESTRY AND NATURAL RESOURCES

By Representative Clark (W):

H. 558. To require all persons sixteen years of age or older to have in their possession certain valid forms of identification; to provide what constitutes a valid form of identification and to prescribe certain criminal penalties.

COMMITTEE ON JUDICIARY

By Representative Harper:

H. 559. To propose an amendment to the Constitution of Alabama of 1901 which repeals Amendment 448 relating to budget isolation.

COMMITTEE ON WAYS AND MEANS

The above bill was read a first time at length as required by the Constitution.

By Representatives Newton (D), Curry, Petelos, and Barnes (With Notice and Proof):

H. 560. To amend chapter 65 of Title 11 applicable to horse racing in Class 1 municipalities so as to authorize the mayor of the host city and the president or otherwise designated presiding officer of the county commission to appoint deputy racing commissioners having the qualifications of persons eligible to serve as appointed members of the commission, to serve at their pleasure as their deputies on the racing commission authorized by such chapter including, but not limited to, the power to vote at any meeting of the commission or any panel thereof in the absence of their respective appointing officer; to authorize the president or otherwise designated presiding officer of the host county commission, as an

alternative, to appoint, for a term, another member of the host county commission to serve in the place of the said president or presiding officer of the host county commission during said term; and to specify the appointment and qualification procedures, the compensation of persons so appointed to serve as racing commission members or deputy members and the right of such persons to be reimbursed for expenses.

COMMITTEE ON LOCAL LEGISLATION NO. 2

I HEREBY CERTIFY THAT THE NOTICE & PROOF IS ATTACHED TO THE BILL, H. 560, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

GREG PAPPAS, ASSISTANT CLERK

By Representative Harper:

H. 561. To amend Code of Alabama, 1975, Sections 41-4-82 and 41-19-7 to require that the Governor shall submit his budget proposals to the Legislature 30 days prior to the beginning of each Regular Session of the Legislature and to repeal Sections 41-4-87 and 41-4-88 of the Code of Alabama, 1975.

COMMITTEE ON WAYS AND MEANS

By Representative Rogers (J):

H. 562. To exempt the Urban Ministry, Inc., from the payment of all state, county and municipal sales and use taxes.

COMMITTEE ON WAYS AND MEANS

By Representative Clark (W):

H. 563. To prohibit the spending of state monies for pension and annuity plans by agencies, boards, commissions and quasi-organizations which have received more than one-half of their funding from the state for the last three years and which do not participate in the employees' retirement system.

COMMITTEE ON WAYS AND MEANS

By Representatives McMillan and Penry (With Notice and Proof):

H. 564. Relating to Baldwin County, providing further for the mileage reimbursement for the members of the county commission and providing for a retroactive effect.

COMMITTEE ON LOCAL LEGISLATION NO. 1

I HEREBY CERTIFY THAT THE NOTICE & PROOF IS ATTACHED TO THE BILL, H. 564, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

GREG PAPPAS, ASSISTANT CLERK

By Representatives Hall and Freeman:

H. 565. To amend Sections 32-6-250 and 32-6-251, Code of Alabama 1975, which provide distinctive license plates for Medal of Honor Recipients and Prisoners of War, so as to include recipients of the Purple Heart Medal.

COMMITTEE ON WAYS AND MEANS

By Representative Haynes:

H. 566. To amend Sections 27-40-1, 27-40-9, 27-40-12, and 27-40-15, Code of Alabama 1975, and to repeal Section 27-40-16 of the Code of Alabama 1975, relating to insurance premium finance companies so as to provide further for the regulation of such companies; to delete certain references to and authorization for designated agents; to provide for a maximum service charge; to require premium finance agreements to contain certain information; to substantially alter the procedure for return of gross unearned premiums upon cancellation of the insurance contract; to provide for time limits for the return of unearned premiums and to provide where the amount of premium financed shall be sent.

COMMITTEE ON INSURANCE

By Representatives Hall and Freeman (With Notice and Proof):

H. 567. Relating to Madison County; to provide for the election of the county superintendent of education at the expiration of the present tenure of office; to provide who may participate in said election; to provide for the election procedure; to provide for an interim appointment of the county superintendent of education in certain instances; to provide for the term of office and the method of filling vacancies; to provide for the qualifications and duties of said office and to provide for the compensation paid to the county superintendent of education.

COMMITTEE ON LOCAL LEGISLATION NO. 4

I HEREBY CERTIFY THAT THE NOTICE & PROOF IS ATTACHED TO THE BILL, H. 567, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

GREG PAPPAS, ASSISTANT CLERK

By Representative Harper:

H. 568. To propose and provide for the submission of an amendment to the Constitution of Alabama of 1901, as amended; providing that the Legislature may make appropriations from state funds for expenses of the executive, legislative and judicial functions of state government and for general public educational purposes in one or more general appropriation bills; also, providing that the Legislature may make appropriations from state funds to non-state agencies in one or more appropriation bills designated for such purpose.

COMMITTEE ON WAYS AND MEANS

The above bill was read a first time at length as required by the Constitution.

By Representative Mathis:

H. 569. To provide for a professional pay scale for county chief appraisers based on population of the counties. It is designed to enhance the ability of the counties to recruit and retain qualified appraiser personnel, and to advance professionalism, high standards and knowledge in the administration of the ad valorem tax laws of the State of Alabama.

COMMITTEE ON WAYS AND MEANS

By Representatives Kvalheim and Gaston:

H. 570. To amend section 32-5A-110, Code of Alabama 1975, relating to the right-of-way for motor vehicles, so as to provide that a vehicle which approaches an unmarked intersection from a highway which terminates at such intersection shall yield to any other vehicle at any such intersection.

COMMITTEE ON HIGHWAY SAFETY

By Representatives Freeman and Hall (With Notice and Proof):

H. 571. To alter, extend, rearrange and redefine the boundaries and corporate limits of the City of Huntsville in Madison County so as to exclude certain territory from the city.

COMMITTEE ON LOCAL LEGISLATION NO. 4

I HEREBY CERTIFY THAT THE NOTICE & PROOF IS ATTACHED TO THE BILL, H. 571, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

GREG PAPPAS, ASSISTANT CLERK

By Representatives Bowling, Ford, Turnham, Burke, Smith (C), Lindsey, Laird, Richardson, Cosby, Penry, Poole, Johnson, Haynes, Millican, Payne, Carothers, Beasley, Newton (C), Crow, Zoghby, Rockhold, Gullatt, Hooper, Clark (J), McKee, Turner, and Morrow:

H. 572. To provide that all procedures, protections and remedies afforded to a motor vehicle dealer shall also be available to a motor vehicle distributor whose distributor agreement is terminated, canceled, not renewed, modified or replaced by a manufacturer or an importer.

**COMMITTEE ON COMMERCE,
TRANSPORTATION AND UTILITIES**

By Representatives Bowling, Ford, Turnham, Burke, Smith (C), Laird, Richardson, Hamilton, Cosby, Penry, Poole, Johnson, Haynes, Millican, Payne, Carothers, Beasley, Newton (C), Crow, Turner, Zoghby, Rockhold, Gullatt, Morrow, and Hooper:

H. 573. To exempt the Alabama College Conference from the payment of all state, county and municipal sales and use taxes.

COMMITTEE ON WAYS AND MEANS

By Representatives Bowling, Ford, Turnham, Burke, Smith (C), Laird, Richardson, Hamilton, Cosby, Penry, Poole, Johnson, Haynes, Millican, Payne, Carothers, Beasley, Clark (J), McKee, Crow, Turner, Rockhold, Morrow, and Hooper:

H. 574. To amend Section 34-24-160, Code of Alabama 1975, relating to applications to practice chiropractic, so as to provide further for said applications.

COMMITTEE ON HEALTH

By Representative Starkey:

H. 575. To provide that the construction, maintenance and repair of the county roads and bridges of all counties in the state with a population of less than 150,000 according to the 1990 U.S. census shall be constructed, maintained and repaired by the State Highway Department and relieving the county officials thereof of certain duties in regard thereto; to provide for the the transfer, by counties of the state with populations of less than 150,000 according to the 1990 U.S. census, to the State Highway Department of all funds including their proportional share of the State Gasoline Tax, State Motor Vehicle License Tax, and State Petroleum Products Inspection Fee allocated to the county, supplies, equipment, machinery, materials, land and buildings for the construction, maintenance and repair of county roads and bridges; and repealing all conflicting laws.

COMMITTEE ON LOCAL GOVERNMENT

By Representative Black (M) (With Notice and Proof):

H. 576. Relating to Colbert County and particular portions thereof, to provide further for fire protection, to levy a fire protection service fee on certain owners of dwellings, to provide for certain exemptions, to provide for the collection of said fee, to provide for the distribution of funds derived from said fee to volunteer fire departments, to provide for the expending and accounting of said funds, to provide for the treatment of funds upon dissolution or abandonment of a volunteer fire department, to provide that the county shall be immune from certain liability, and to provide that the operation of the act is conditioned on approval of certain electors at an election.

COMMITTEE ON LOCAL LEGISLATION NO. 1

I HEREBY CERTIFY THAT THE NOTICE & PROOF IS ATTACHED TO THE BILL, H. 576, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

GREG PAPPAS, ASSISTANT CLERK

By Representative Laird (With Notice and Proof):

H. 577. To alter, rearrange and extend the boundary lines and corporate limits of the Town of Wedowee in Randolph County, so as to include the industrial park.

COMMITTEE ON LOCAL LEGISLATION NO. 1

I HEREBY CERTIFY THAT THE NOTICE & PROOF IS ATTACHED TO THE BILL, H. 577, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

GREG PAPPAS, ASSISTANT CLERK

By Representative Parker (P) (With Notice and Proof):

H. 578. Providing further for the compensation and expense allowances or other benefits of the superintendent of education of Morgan County upon the expiration of the current term of office; repealing conflicting laws or parts of laws; and specifically repealing Act. No. 87-257, H. 183, 1987 Regular Session (Acts 1987, p. 360).

COMMITTEE ON LOCAL LEGISLATION NO. 1

I HEREBY CERTIFY THAT THE NOTICE & PROOF IS ATTACHED TO THE BILL, H. 578, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

GREG PAPPAS, ASSISTANT CLERK

By Representatives Parker (P) and Parker (T):

H. 579. To authorize the several state departments and agencies to prepay to officers and employees necessary travel expenses for authorized official state business; to provide that such payments shall be made in accordance with rules and regulations promulgated by the state comptroller with the approval of the chief examiner of public accounts; to provide for certain limitations and the annual audit of the expenditure of funds used in accordance with the provisions of this Act.

COMMITTEE ON WAYS AND MEANS

By Representatives Parker (P) and Parker (T):

H. 580. Relating to state officers and employees; to authorize the state comptroller with the approval of the chief examiner of public accounts to establish procedures for the prepayment of travel expenses.

COMMITTEE ON STATE ADMINISTRATION

By Representatives Biddle, Drake, Holley, Fuller, Richardson, Newton (C), Poole, Hammett, Venable, Mikell, Carter, Newman, Ford, Rich, Payne, Millican, Rogers (F), Gaines, Morton, Curry, Sanderson, Haney, Hamilton, Barnes, Hawkins, Rogers (J), Warren, Johnson, White, Carothers, Holmes, Clark (W), Buskey (JL), and Higginbotham:

H. 581. To exempt all patients of state mental institutions, state mental treatment facilities or assigned group homes from the purchase of any state or county fishing licenses.

COMMITTEE ON AGRICULTURE, FORESTRY
AND NATURAL RESOURCES

By Representatives Powell, Smith (C), Lindsey, Letson, Mikell, and Harvey:

H. 582. Relating to the licensing and bonding of dealers in agricultural products; to define dealers, products, commissioner, producers, and persons; to exempt certain persons from the provisions of this bill; to require that a dealer in agricultural products be licensed and said license shall cost from \$50 to \$200; to require that dealers be bonded or have a bond equivalent in amounts of not less than \$1,000 to \$50,000; to provide for denying, suspending or revoking a dealer license; to provide for hearing after there has been a denial, suspension or revocation of a license and to also provide for appealing orders rendered pursuant to a hearing; to provide for payment of agricultural products purchased within five days after an accounting or a receipt has been issued; to provide for the keeping of records and for inspection of sale and the inspection of produce purchased; to make the violation of this bill a class "C" misdemeanor and granting the Commissioner the powers of a peace officer in the enforcement of said bill; to provide for injunctive relief; to expressly repeal Chapter 29 of Title 2 providing for the permitting and bonding of farm product commission merchants.

COMMITTEE ON AGRICULTURE, FORESTRY
AND NATURAL RESOURCES

By Representative Haynes:

H. 583. To amend Section 37-2-41 of the Code of Alabama 1975, relating to inspection and supervision fees of transportation companies, so as to provide further for such fees.

COMMITTEE ON WAYS AND MEANS

By Representative Haynes:

H. 584. To amend section 37-2-41, section 37-4-23 and section 37-4-116 of the Code of Alabama 1975, relating to the inspection and supervision fees paid by transportation, utility, and radio utility companies, so as to provide further for such fees; and to provide for the future compensation of certain employees.

COMMITTEE ON WAYS AND MEANS

By Representatives Smith (C), Powell, Harvey, Blakeney, Hamilton, Penry, Hall, Parker (P), Laird, Cosby, Williams, Hogan, Richardson, Haynes, Hill, and Barnes:

H. 585. To prohibit any commercial aquaculture activities in the inland public waters of the State of Alabama regulated by the Game and Fish Division of the Department of Conservation and Natural Resources, to define "commercial aquaculture"; and to provide penalties for the violation thereof.

COMMITTEE ON AGRICULTURE, FORESTRY AND NATURAL RESOURCES

By Representative Payne:

H. 586. To establish a pension fund for Alabama fire fighters to be known as the Alabama fire fighters' annuity pension fund; to prescribe conditions for joining, withdrawing and continuing membership in the fund; to regulate the payment of pensions and benefits from the fund; to provide for the management and administration of the fund by a board of trustees; to prescribe the membership of the board, provide for the election and terms of officers of members thereof, and prescribe their powers and duties; to establish the office of secretary-treasurer of such board, provide for his employment, his salary, and his bond; and for the purpose of financing the fund, to levy and provide for the collection of an additional tax on insurers against fire, lightning, and related hazards; and to fix membership dues, and authorize gifts, contributions and donations to the fund.

COMMITTEE ON WAYS AND MEANS

By Representatives Beasley, McDaniel, Clark (J), Carter, Fuller, Penry, Laird, Hooper, Newton (C), Payne, Cullins, Clay, Venable, Layson, Gaines, Morton, Sanderson, Knight, Curry, Powell, Smith (C), Parker (T), Sanderford, Grayson, Richardson, Rich, Smith (R), Perdue, and Hamilton:

H. 587. To provide for the revision of the Alabama Workmen's Compensation Law; to amend Title 25, chapter 5, articles 1, 2, 3, 4, and 9 by providing further for the general provisions, definitions and procedures, compensation by civil action and elective compensation under contracts of employment, compensation for occupational diseases in general and workers' compensation self-insurers guaranty association; to establish a workers' compensation specialist program and to establish a program providing for administrative law judges for disputed claims; to repeal sections 25-5-6, 25-5-12, 25-5-16, 25-5-81, 25-5-88, 25-5-89, 25-5-91, 25-5-92, 25-5-93 and sections 25-5-140 through 25-5-180, Code of Alabama 1975; and to provide for certain implementation dates for various sections of the act.

COMMITTEE ON BUSINESS AND LABOR

MOTION TO SUSPEND RULES ADOPTED

On motion of Representative Harper, the rules were suspended in order to take up out of order the Budget Isolation Resolution and the bill, H. 375.

BUDGET ISOLATION RESOLUTION

On motion of Representative Harper, the Budget Isolation Resolution relating to the bill, H. 375, was adopted.

Yeas 67; Nays 0.

Yea:

Mr. Speaker, Beasley, Black (M), Blakeney, Bowling, Bryant, Bugg, Burke, Buskey (JL), Butler, Carns, Carothers, Carter, Clark (W), Clay, Cullins, Curry, Dolbare, Drake, Flowers, Ford, Freeman, Fuller, Gaines, Gaston, Goodwin, Gullatt, Hall, Hammett, Haney, Harper, Hawkins, Haynes, Higginbotham, Holley, Johnson, Kennedy, Knight, Kvalheim, Laird, Layson, Lindsey, Mathis, McMillan, Melton, Mikell, Millican, Morrow, Morton, Newman, Newton (C), Parker (P), Parker (T), Payne, Poole, Powell, Rich, Rockhold, Sanderford, Sanderson, Smith (C), Starkey, Turnham, Venable, Warren, Williams and Zoghby.

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And the bill:

H. 375. To provide for the creation of the Alabama Health Care Trust Fund in the state treasury; to appropriate monies in the fund to the Alabama medicaid agency; to provide that monies in the fund shall not revert to the general fund but shall be carried forward into each succeeding fiscal year; and to limit the reduction of appropriations to the medicaid agency from the general fund.

was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 83; Nays 0.

Yea:

Mr. Speaker, Anderson, Barnes, Beasley, Biddle, Black (L), Black (M), Blakeney, Bowling, Bryant, Bugg, Burke, Buskey (JL), Butler, Cagle, Carothers, Carter, Clark (W), Cosby, Crow, Cullins, Curry, Dolbare, Drake, Flowers, Freeman, Fuller, Gaines, Gaston, Goodwin, Grayson, Gullatt, Hall, Hamilton, Hammett, Haney, Harper, Harvey, Hawkins, Haynes, Higginbotham, Hill, Hogan, Holladay, Holley, Holmes, Johnson, Kennedy, Knight, Kvalheim, Layson, Lindsey, Mathis, McKee, McMillan, Melton, Mikell, Millican, Morrow, Morton, Newman, Newton (C), Parker (P), Parker (T), Payne, Penry, Petelos, Rich, Richardson, Rockhold, Rogers (F), Rogers (J), Sanderford, Sanderson, Smith (C), Starkey, Turnham, Venable, Warren, White, Williams, Willis and Zoghby.

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MESSAGE FROM THE SENATE

Mr. Speaker:

The President and Presiding Officer of the Senate having signed the following Senate Joint Resolutions, your signature thereto is requested:

S.J.R. 44. MOURNING THE DEATH OF JACK MCDONALD DUNLOP OF AUBURN, ALABAMA.

Also:

S.J.R. 46. URGING THE CONGRESS TO ENACT THE STRIKER REPLACEMENT LEGISLATION.

Also:

S.J.R. 49. DESIGNATING MAY 1991 AS "MANUFACTURED HOUSING MONTH" IN ALABAMA.

Also:

S.J.R. 50. NAMING THE "MARTIN LUTHER KING, JR., HIGHWAY."

Also:

S.J.R. 51. REQUESTING THE STATE HIGHWAY DEPARTMENT TO ESTABLISH A POLICY REGARDING PRESERVATION OF WILDFLOWERS ON HIGHWAY RIGHTS-OF-WAY IN ALABAMA.

MCDOWELL LEE
Secretary

SIGNING OF SENATE JOINT RESOLUTIONS

The Speaker of the House, in the presence of the House, immediately after the titles had been publicly read by the Clerk, the reading at length having been dispensed with by a two-thirds vote of a quorum present, signed the Senate Joint Resolutions, the titles of which are set out in the foregoing Message from the Senate.

PERMISSION GRANTED

Permission was granted for the Journal to reflect that Representatives Turner and Clay intended to vote "Yea" on passage of the bill, H. 375.

MOTION TO SUSPEND RULES ADOPTED

On motion of Representative Harper, the rules were suspended in order to take up out of order the Budget Isolation Resolution and the bill, H. 374.

BUDGET ISOLATION RESOLUTION

On motion of Representative Harper, the Budget Isolation Resolution relating to the bill, H. 374, was adopted.

Yeas 82; Nays 1.

Yea:

Mr. Speaker, Anderson, Barnes, Beasley, Biddle, Black (L), Black (M), Blakeney, Bowling, Bryant, Bugg, Burke, Buskey (JL), Butler, Cagle, Carothers, Carter, Clark (W), Clay, Cosby, Crow, Cullins, Dolbare, Drake, Flowers, Ford, Freeman, Fuller, Gaines, Gaston, Goodwin, Grayson, Gullatt, Hall, Hamilton, Hammett, Haney, Harper, Harvey, Hawkins, Haynes, Higginbotham, Hill, Hogan, Holladay, Hooper, Johnson, Kennedy, Knight, Kvalheim, Layson, Lindsey, Mathis, McKee, Melton, Mikell, Millican, Morrow, Morton, Newman, Newton (C), Parker (P), Parker (T), Payne, Powell, Rich, Rockhold, Rogers (F), Rogers (J), Sanderford, Sanderson, Smith (C), Smith (R), Starkey, Turner, Turnham, Venable, Warren, White, Williams, Willis and Zoghby.

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Nay:

Representative Curry.

- 1

And the bill:

H. 374. (With Amendment): To provide further for the availability of indigent health care, the operation of the medicaid program and the maintenance and expansion of medical services thereunder by imposing a privilege tax upon every provider of pharmaceutical services, except hospital inpatient pharmacies; to provide for collection of such tax and penalties; to provide for appropriations of such funds and their use by the Alabama medicaid agency; to prohibit the reduction or elimination of revenues resulting from this act which are applied to certain medicaid covered services or other enhancements; to require the timely payment by the Alabama medicaid agency of reimbursement due pharmaceutical providers; to provide that the provisions of this act shall remain effective only so long as adequate federal financial participation is available; and to authorize the department of revenue to adopt regulations as necessary to administer collection of the tax.

was taken up.

The question was then on the adoption of the amendment reported by the Standing Committee on Ways and Means, said committee amendment being as follows:

Amend House Bill 374, in Section 2, page 3, line 7, after the word "refilled" by adding the following:

for a citizen of Alabama

AMENDMENT ADOPTED

And the amendment was adopted.

Yeas 90; Nays 0.

Yea:

Mr. Speaker, Anderson, Barnes, Beasley, Biddle, Black (I.), Black (M), Blakeney, Bowling, Bryant, Bugg, Burke, Buskey (JL), Butler, Cagle, Carothers, Carter, Clark (W), Clay, Cosby, Crow, Cullins, Curry, Dolbare, Drake, Flowers, Ford, Fuller, Gaines, Gaston, Goodwin, Grayson, Gullatt, Hamilton, Hammett, Haney, Harper, Harvey, Hawkins, Haynes, Higginbotham, Hill, Hogan, Holladay, Holmes, Hooper, Johnson, Kennedy, Knight, Kvalheim, Layson, Letson, Lindsey, Mathis, McDaniel, McKee, McMillan, Melton, Mikell, Millican, Morrow, Morton, Newman, Newton (C), Newton (D), Parker (P), Parker (T), Payne, Penry, Perdue, Petelos, Powell, Rich, Richardson, Rockhold, Rogers (F), Rogers (J), Sanderford, Sanderson, Smith (C), Smith (R), Starkey, Turner, Turnham, Venable, Warren, White, Williams, Willis and Zoghby.

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AMENDMENT OFFERED

Representative Harper offered the following amendment to the bill, H. 374:

To amend H. 374 to exempt pharmacies owned or operated by the state of Alabama or an agency thereof from the privilege tax.

Page 1, line 14: after .. inpatient pharmacies add or pharmacies owned or operated by the state of Alabama or an agency thereof.

Page 1, line 24: after .. inpatient pharmacies add or pharmacies owned or operated by the state of Alabama or an agency thereof;

Page 3, line 4: after .. hospital inpatients add or pharmacies owned or operated by the state of Alabama or an agency thereof.

AMENDMENT ADOPTED

And the amendment was adopted.

Yeas 92; Nays 0.

Yea:

Mr. Speaker, Anderson, Barnes, Beasley, Biddle, Black (L), Black (M), Blakeney, Bowling, Bryant, Bugg, Burke, Buskey (JL), Butler, Cagle, Carothers, Carter, Clark (W), Clay, Cosby, Crow, Cullins, Curry, Dolbare, Drake, Flowers, Ford, Freeman, Fuller, Gaines, Gaston, Goodwin, Grayson, Gullatt, Hall, Hamilton, Hammett, Haney, Harper, Harvey, Hawkins, Haynes, Hill, Hogan, Holladay, Holmes, Hooper, Johnson, Kennedy, Knight, Kvalheim, Layson, Letson, Lindsey, Mathis, McDaniel, McKee, McMillan, Melton, Mikell, Millican, Morrow, Morton, Newman, Newton (C), Newton (D), Parker (P), Parker (T), Payne, Penry, Perdue, Petelos, Poole, Powell, Rich, Richardson, Rockhold, Rogers (F), Rogers (J), Sanderford, Sanderson, Smith (C), Smith (R), Starkey, Turner, Turnham, Venable, Warren, White, Williams, Willis and Zoghby.

-92

And the bill:

H. 374. To provide further for the availability of indigent health care, the operation of the medicaid program and the maintenance and expansion of medical services thereunder by imposing a privilege tax upon every provider of pharmaceutical services, except hospital inpatient pharmacies or pharmacies owned or operated by the state of Alabama or an agency thereof; to provide for collection of such tax and penalties; to provide for appropriations of such funds and their use by the Alabama medicaid agency; to prohibit the reduction or elimination of revenues resulting from this act which are applied to certain medicaid covered services or other enhancements; to require the timely payment by the Alabama medicaid agency of reimbursement due pharmaceutical providers; to provide that the provisions of this act shall remain effective only so long as adequate federal financial participation is available; and to authorize the department of revenue to adopt regulations as necessary to administer collection of the tax.

as amended, was read a third time at length and passed, and ordered engrossed.

Yeas 81; Nays 6.

Yea:

Mr. Speaker, Anderson, Barnes, Beasley, Black (L), Black (M), Blakeney, Bowling, Bryant, Burke, Buskey (JL), Butler, Cagle, Carothers, Carter, Clark (W), Clay, Crow, Cullins, Dolbare, Drake, Flowers, Fuller, Gaines, Gaston, Goodwin, Grayson, Gullatt, Hamilton, Hammett, Harper, Harvey, Hawkins, Haynes, Higginbotham, Hill, Hogan, Holladay, Holley, Holmes, Hooper, Johnson, Kennedy, Knight, Kvalheim, Layson, Letson, Lindsey, Mathis,

McDaniel, McKee, Melton, Mikell, Millican, Morrow, Morton, Newman, Newton (C), Newton (D), Parker (T), Penry, Perdue, Poole, Powell, Rich, Rockhold, Rogers (F), Rogers (J), Sanderford, Sanderson, Smith (C), Smith (R), Starkey, Turner, Turnham, Venable, Warren, White, Williams, Willis and Zoghby.

-81

Nay:

Representatives Biddle, Curry, Ford, Freeman, McMillan and Payne.

- 6

MOTION TO SUSPEND RULES ADOPTED

On motion of Representative Harper, the rules were suspended in order to take up out of order the Budget Isolation Resolution and the bill, H. 376.

BUDGET ISOLATION RESOLUTION

On motion of Representative Harper, the Budget Isolation Resolution relating to the bill, H. 376, was adopted.

Yeas 89; Nays 0.

Yea:

Mr. Speaker, Anderson, Barnes, Beasley, Biddle, Black (L), Black (M), Blakeney, Bowling, Bryant, Burke, Buskey (JL), Butler, Cagle, Carothers, Carter, Clark (W), Clay, Crow, Cullins, Curry, Dolbare, Drake, Flowers, Ford, Freeman, Fuller, Gaines, Gaston, Goodwin, Grayson, Gullatt, Hamilton, Hammett, Haney, Harper, Harvey, Hawkins, Haynes, Higginbotham, Hill, Hogan, Holladay, Holley, Holmes, Hooper, Johnson, Kennedy, Knight, Kvalheim, Laird, Layson, Letson, Lindsey, Mathis, McDaniel, McKee, Melton, Mikell, Millican, Morrow, Morton, Newman, Newton (C), Newton (D), Parker (P), Parker (T), Payne, Perdue, Petelos, Poole, Powell, Rich, Rockhold, Rogers (F), Rogers (J), Sanderford, Sanderson, Smith (C), Smith (R), Starkey, Turner, Turnham, Venable, Warren, White, Williams, Willis and Zoghby.

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And the bill:

H. 376. To provide further for the availability of indigent health care, the operation of the medicaid program and the maintenance and expansion of medical services thereunder by imposing a privilege tax upon every nursing facility which has an agreement to participate in the Alabama medicaid program; to provide for collection of such tax and penalties; to provide for appropriations of such funds and their use by the Alabama medicaid agency; to require the timely payment by

the Alabama medicaid agency of reimbursement due nursing facilities; to prohibit the reduction or elimination of revenues resulting from this act which are applied to certain medicaid covered services or other enhancements; to provide that the provisions of this act shall remain effective only so long as adequate federal financial participation is available; and to authorize the department of revenue to adopt regulations as necessary to administer collection of the tax.

was taken up.

AMENDMENT OFFERED

Representative Harper offered the following amendment to the bill, H. 376:

To amend H. 376 by adding to the definition of "nursing facility" the following language on page 2, line 26:

For purposes of this act, a nursing facility shall not include any facility owned or operated by, or operating under an exclusive contract with, the state of Alabama or any agency thereof, or any facility which provides nursing care exclusively for residents under the age of 18 years.

AMENDMENT ADOPTED

And the amendment was adopted.

Yeas 83; Nays 0.

Yea:

Mr. Speaker, Anderson, Barnes, Beasley, Biddle, Black (L), Black (M), Blakeney, Bowling, Bryant, Burke, Buskey (JL), Butler, Cagle, Carothers, Carter, Clark (W), Clay, Cosby, Crow, Cullins, Drake, Flowers, Freeman, Fuller, Gaines, Gaston, Goodwin, Grayson, Gullatt, Hamilton, Hammett, Harper, Harvey, Hawkins, Haynes, Higginbotham, Hill, Hogan, Holladay, Holmes, Hooper, Johnson, Kennedy, Knight, Kvalheim, Layson, Letson, Mathis, McKee, McMillan, Melton, Mikell, Millican, Morrow, Morton, Newman, Newton (C), Newton (D), Parker (P), Parker (T), Payne, Penry, Perdue, Petelos, Poole, Powell, Rich, Rockhold, Rogers (F), Rogers (J), Sanderford, Sanderson, Smith (C), Starkey, Turner, Turnham, Venable, Warren, White, Williams, Willis and Zoghby.

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And the bill, H. 376, as amended, was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 85; Nays 0.

Yea:

Mr. Speaker, Anderson, Beasley, Biddle, Black (L), Black (M), Blakeney, Bowling, Bryant, Burke, Buskey (JL), Butler, Cagle, Carothers, Carter, Clark (W), Clay, Cosby, Crow, Cullins, Curry, Drake, Escott-Russell, Flowers, Ford, Fuller, Gaines, Gaston, Goodwin, Grayson, Hamilton, Hammett, Haney, Harper, Harvey, Haynes, Higginbotham, Hill, Hogan, Holladay, Holmes, Hooper, Johnson, Kennedy, Knight, Kvalheim, Letson, Lindsey, Mathis, McDaniel, McKee, McMillan, Melton, Mikell, Millican, Morrow, Morton, Newman, Newton (C), Parker (P), Parker (T), Payne, Perdue, Petelos, Poole, Powell, Rich, Richardson, Rockhold, Rogers (F), Rogers (J), Sanderford, Sanderson, Smith (C), Smith (R), Spratt, Starkey, Turner, Turnham, Venable, Warren, White, Williams, Willis and Zoghby.

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MOTION TO SUSPEND RULES ADOPTED

On motion of Representative Harper, the rules were suspended in order to take up out of order the Budget Isolation Resolution and the bill, H. 377.

BUDGET ISOLATION RESOLUTION

On motion of Representative Harper, the Budget Isolation Resolution relating to the bill, H. 377, was adopted.

Yeas 86; Nays 0.

Yea:

Mr. Speaker, Anderson, Beasley, Biddle, Black (L), Black (M), Blakeney, Bowling, Bryant, Bugg, Burke, Buskey (JL), Butler, Cagle, Carothers, Carter, Clark (W), Clay, Cosby, Crow, Cullins, Curry, Dolbare, Drake, Flowers, Ford, Freeman, Fuller, Gaines, Gaston, Goodwin, Grayson, Gullatt, Hamilton, Hammett, Harper, Hawkins, Haynes, Higginbotham, Hill, Hogan, Holladay, Holmes, Hooper, Johnson, Kennedy, Knight, Kvalheim, Laird, Layson, Letson, Lindsey, Mathis, McMillan, Melton, Mikell, Millican, Morrow, Morton, Newman, Newton (C), Newton (D), Parker (P), Parker (T), Payne, Perdue, Petelos, Poole, Richardson, Rockhold, Rogers (F), Rogers (J), Sanderford, Sanderson, Smith (C), Smith (R), Spratt, Starkey, Turner, Turnham, Venable, Warren, White, Williams, Willis and Zoghby.

-86

And the bill:

H. 377. To provide further for the availability of indigent health care, the operation of the medicaid program and the maintenance and expansion of medical services thereunder by imposing a privilege tax upon every disproportionate share

hospital in the state; to provide for collection of such tax and penalties; to provide for appropriations of such funds and their use by the Alabama medicaid agency; to provide for reimbursement of certain costs incurred by disproportionate share hospitals; to require the timely payment by the Alabama medicaid agency of disproportionate share payments due hospitals; to prohibit the reduction or elimination of revenues resulting from this act which are applied to certain medicaid covered services or other enhancements; to provide that the provisions of this act shall remain effective only so long as adequate federal financial participation is available; and to authorize the department of revenue to adopt regulations as necessary to administer collection of the tax.

was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 93; Nays 0.

Yea:

Mr. Speaker, Anderson, Barnes, Beasley, Biddle, Black (L), Black (M), Blakeney, Bowling, Bryant, Bugg, Burke, Buskey (JL), Butler, Cagle, Carothers, Carter, Clark (W), Clay, Crow, Cullins, Curry, Dolbare, Drake, Escott-Russell, Flowers, Ford, Freeman, Fuller, Gaines, Gaston, Goodwin, Grayson, Gullatt, Hamilton, Hammett, Harper, Harvey, Hawkins, Haynes, Higginbotham, Hill, Hogan, Holladay, Holley, Holmes, Hooper, Johnson, Kennedy, Knight, Kvalheim, Laird, Layson, Letson, Lindsey, Mathis, McDaniel, McMillan, Melton, Mikell, Millican, Morrow, Morton, Newman, Newton (C), Newton (D), Parker (P), Parker (T), Payne, Penry, Perdue, Petelos, Poole, Powell, Rich, Richardson, Rockhold, Rogers (F), Rogers (J), Sanderford, Sanderson, Smith (C), Smith (R), Spratt, Starkey, Turner, Turnham, Venable, Warren, White, Williams, Willis and Zoghby.

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MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and adopted the following Senate Joint Resolutions and sends same herewith to the House for its consideration:

By Senators Parsons and Amari:

S.J.R. 61. COMMENDING HENRY EUGENE ERWIN OF LEEDS, ALABAMA, RECIPIENT OF THE MEDAL OF HONOR.

Also:

By Senators Parsons and Amari:

S.J.R. 62. COMMENDING SHELLIE PHILLIPS OF BESSEMER, ALABAMA, A DISTINGUISHED PATRIOT AND VETERAN OF WORLD WAR I.

**MCDOWELL LEE
Secretary**

SENATE MESSAGE

On motion of Representative Hawkins, the rules were suspended, and the House concurred in and adopted the resolution, S.J.R. 61, the title of which is set out in the foregoing Message from the Senate.

Also:

On motion of Representative Hawkins, the rules were suspended, and the House concurred in and adopted the resolution, S.J.R. 62, the title of which is set out in the foregoing Message from the Senate.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and adopted the following Senate Joint Resolution and sends same herewith to the House for its consideration:

By Senators Denton, Amari, Bailey, Barron, Bedsole, Bennett, Bolling, Campbell, Corbett, deGraffenried, Dial, Dixon, Ellis, Figures, Floyd, Foshee, Ghee, Hale, Hilliard, Horn, Langford, Lindsey, Lipscomb, Little, Mitchell, Mitchem, Owens, Parsons, Preuitt, Sanders, Smith (B), Smith (J), Waggoner, Wilson, and Windom:

S.J.R. 59. REQUESTING THE FINANCE DEPARTMENT TO REPLACE THE ELEVATORS LOCATED IN THE EAST WING OF THE ALABAMA STATE HOUSE.

WHEREAS, the State of Alabama has expended millions of dollars in the renovation of the former highway department building located on Union Street in Montgomery, Alabama; and

WHEREAS, this beautifully renovated facility is now known as the Alabama State House; and

WHEREAS, this facility has been equipped with the latest in construction techniques, equipment and conveniences; and

WHEREAS, the elevators located at the end of the east wing of the Alabama State House were outdated at the time of their installation; and

WHEREAS, these elevators fail to function frequently leaving government officials, staff and the general public stranded for extended periods of time; and

WHEREAS, these inefficient elevators are a menace to the operation of state government and to the health and welfare of those individuals who utilize the Alabama State House; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That the Finance Department of the State of Alabama take immediate steps to replace these elevators with the latest brand name equipment available to the State of Alabama; and

BE IT FURTHER RESOLVED, That the Alabama Building Commission shall oversee the replacement of these elevators and proceed with haste in the completion of this project.

MCDOWELL LEE
Secretary

SENATE MESSAGE

On motion of Representative Starkey, the rules were suspended, and the House concurred in and adopted the resolution, S.J.R. 59, set out in the foregoing Message from the Senate.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and passed the following engrossed Senate Bill and sends same herewith to the House:

By Senator Foshee:

S. 106. Relating to group health insurance coverage; to provide for the Alabama Insurance Board to negotiate such insurance for all residents and their dependents of the State of Alabama who wish to acquire such insurance and to provide for the composition of said board and the powers of the board; to provide for the particulars of any insurance plan adopted by the board; to authorize the board to promulgate rules and regulations; to provide for dependent coverage; to provide for benefits of the plan; to provide that costs of the plan may be paid by a small business employer; and to make an appropriation.

MCDOWELL LEE
Secretary

SENATE MESSAGE

The Senate Bill, the title of which is set out in the foregoing Message from the Senate, was read one time and referred to the appropriate Standing Committee as follows:

S. 106. Health.

MOTION TO SUSPEND RULES ADOPTED

On motion of Representative Newton (C), the rules were suspended in order to bring up uncontested local bills on the Calendar.

BUDGET ISOLATION RESOLUTION

On motion of Representative Flowers, the Budget Isolation Resolution relating to the bill, H. 417, was adopted.

Yeas 59; Nays 0.

Yea:

Mr. Speaker, Beasley, Biddle, Black (L), Black (M), Bowling, Bryant, Bugg, Buskey (JL), Butler, Carothers, Clark (W), Cullins, Curry, Escott-Russell, Flowers, Freeman, Gaston, Goodwin, Grayson, Gullatt, Hammett, Harvey, Hawkins, Haynes, Higginbotham, Hill, Holladay, Holley, Johnson, Kennedy, Knight, Kvalheim, Layson, Mathis, Mikell, Millican, Morrow, Morton, Newman, Newton (C), Parker (P), Parker (T), Payne, Poole, Powell, Richardson, Rockhold, Rogers (F), Sanderford, Smith (C), Spratt, Starkey, Turnham, Venable, White, Williams, Willis and Zoghby.

-59

And the bill:

H. 417. Relating to Pike County, to repeal Act 85-609, H. 1006 of the 1985 Regular Session (Acts of 1985, p. 935), which provided an expense allowance for members of the Pike County Commission.

was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 60; Nays 0.

Yea:

Mr. Speaker, Beasley, Biddle, Black (M), Bowling, Bryant, Bugg, Buskey (JL), Butler, Carothers, Carter, Clark (W), Cullins, Curry, Escott-Russell, Flowers, Ford, Freeman, Gaston, Goodwin, Grayson, Gullatt,

Hall, Hammett, Harvey, Hawkins, Haynes, Higginbotham, Hill, Hogan, Holladay, Johnson, Kennedy, Knight, Kvalheim, Layson, Mathis, McDaniel, Morrow, Morton, Newman, Newton (D), Parker (P), Parker (T), Payne, Poole, Powell, Richardson, Sanderford, Sanderson, Smith (C), Smith (R), Spratt, Starkey, Turnham, Venable, Warren, White, Williams and Willis.

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BUDGET ISOLATION RESOLUTION

On motion of Representative Millican, the Budget Isolation Resolution relating to the bill, H. 446, was adopted.

Yeas 56; Nays 0.

Yea:

Mr. Speaker, Beasley, Biddle, Black (L), Black (M), Bowling, Bryant, Burke, Buskey (JL), Cagle, Carothers, Carter, Clark (W), Cullins, Curry, Ford, Freeman, Gaston, Gullatt, Hall, Hammett, Harvey, Hawkins, Higginbotham, Hill, Hogan, Holladay, Holley, Kennedy, Knight, Kvalheim, Layson, Mathis, McDaniel, Mikell, Millican, Morrow, Morton, Newman, Parker (P), Parker (T), Payne, Poole, Powell, Richardson, Rockhold, Rogers (F), Sanderford, Sanderson, Smith (C), Starkey, Turnham, Venable, Williams, Willis and Zoghby.

-56

And the bill:

H. 446. Relating to Marion County; to provide further for expense allowances for the chairman and associate commissioners of the county commission; and to provide for retroactive effect.

was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 57; Nays 0.

Yea:

Mr. Speaker, Biddle, Black (M), Bowling, Bryant, Burke, Buskey (JL), Butler, Cagle, Carothers, Carter, Clark (W), Cullins, Curry, Escott-Russell, Ford, Freeman, Gaston, Goodwin, Hall, Hammett, Harvey, Hawkins, Higginbotham, Hill, Hogan, Holladay, Holley, Holmes, Hooper, Kennedy, Knight, Kvalheim, Layson, McDaniel, McMillan, Millican, Morrow, Newman, Newton (C), Parker (P), Parker (T), Payne, Powell, Richardson, Rockhold, Rogers (F), Sanderford, Sanderson, Smith (C), Smith (R), Spratt, Turnham, Venable, Williams, Willis and Zoghby.

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BUDGET ISOLATION RESOLUTION

On motion of Representative Newton (C), the Budget Isolation Resolution relating to the bill, H. 465, was adopted.

Yeas 61; Nays 0.

Yea:

Mr. Speaker, Beasley, Biddle, Black (M), Bowling, Bryant, Burke, Buskey (JL), Butler, Carter, Clark (W), Cullins, Curry, Flowers, Ford, Freeman, Goodwin, Gullatt, Hall, Hammett, Harvey, Hawkins, Haynes, Higginbotham, Hill, Hogan, Holladay, Holley, Hooper, Johnson, Kennedy, Knight, Layson, Mathis, McDaniel, McMillan, Mikell, Millican, Morrow, Morton, Newman, Newton (C), Parker (P), Parker (T), Payne, Poole, Powell, Richardson, Rockhold, Rogers (F), Sanderford, Sanderson, Smith (C), Spratt, Starkey, Turnham, Venable, Warren, Williams, Willis and Zoghby.

-61

And the bill:

H. 465. Relating to the Town of Rutledge in Crenshaw County; providing further for the manner of electing the members of the city council so as to remove the designation of place number for any council member; providing method of voting for council members; providing for the elimination of runoff elections; prescribing that, except as herein provided, all other laws or resolutions or ordinances governing the operation of the city council and its members shall continue.

was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 50; Nays 6.

Yea:

Mr. Speaker, Beasley, Biddle, Black (M), Blakeney, Bowling, Bryant, Burke, Cagle, Carothers, Carter, Cosby, Cullins, Curry, Dolbare, Flowers, Ford, Gaston, Hammett, Harvey, Hawkins, Higginbotham, Hill, Hogan, Holladay, Knight, Kvalheim, Mathis, McDaniel, McKee, McMillan, Melton, Mikell, Millican, Morrow, Morton, Newman, Newton (C), Payne, Penry, Petelos, Poole, Powell, Rogers (F), Sanderford, Sanderson, Smith (C), Turnham, Venable and Willis.

-50

Nay:

Representatives Escott-Russell, Grayson, Newton (D), Perdue, Richardson and Rogers (J).

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BUDGET ISOLATION RESOLUTION CARRIED OVER

On motion of Representative Curry, the Budget Isolation Resolution and the bill, H. 43, were temporarily carried over.

RESOLUTION

The following resolution was introduced:

By Representative Smith (C):

H.J.R. 125. COMMENDING BARRY BAKER OF CLANTON, ALABAMA, FOR OUTSTANDING ACHIEVEMENT.

WHEREAS, in a desire to recognize young Alabamians of outstanding achievement, the Legislature of Alabama notes the accomplishments of Chilton County High School senior Barry Baker of Clanton, Alabama; and

WHEREAS, the son of Carl and Ann Baker, Barry captured top state honors in his weight classification at the Alabama High School State Drug-Free Power Lifting competition held February 16, 1991, at Eufaula High School; with a three-lift total of 1,275 pounds, he beat the second-place finisher by almost 100 pounds; and

WHEREAS, Barry Baker, who placed second in this event last year, has been involved in weight lifting for the past six years, and works out daily at school and at the YMCA; his best event in power-lifting competition is the bench press in which he lifted 375 pounds; and

WHEREAS, not only is Barry Baker an outstanding athlete, but excels also in academics and gives generously of his time and talents through involvement in many local charities, benefits and church activities; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That in recognition of outstanding achievement, we hereby most highly commend Barry Baker of Clanton, Alabama, and do further direct that he receive a copy of this resolution, executed in praise and with sincere best wishes for every future success in life.

On motion of Representative Smith (C), the rules were suspended and the resolution, H.J.R. 125, was adopted.

MOTION TO ADJOURN LOST

The motion offered by Representative Ford that the House adjourn until 1:00 o'clock p.m., Tuesday, May 7, 1991, was lost.

Yeas 36; Nays 44.

Yea:

Representatives Barnes, Biddle, Black (L), Bowling, Burke, Buskey (JE), Butler, Cagle, Carter, Clay, Crow, Cullins, Drake, Ford, Freeman, Grayson, Hammett, Harvey, Hawkins, Hogan, Holladay, Kennedy, McClain, McDowell, Morrow, Morton, Newton (D), Parker (P), Rogers (J), Starkey, Thomas, Turner, Venable, Warren, White and Williams.

-36

Nay:

Representatives Beasley, Black (M), Blakeney, Carothers, Cosby, Curry, Dolbare, Flowers, Fuller, Gaston, Gullatt, Hamilton, Haynes, Hill, Holley, Hooper, Johnson, Knight, Kvalheim, Laird, Layson, Mathis, McDaniel, McKee, McMillan, Melton, Mikell, Millican, Parker (T), Payne, Perdue, Petelos, Poole, Powell, Richardson, Rockhold, Rogers (F), Sanderford, Sanderson, Smith (C), Spratt, Turnham, Willis and Zoghby.

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BILLS ON THIRD READING

BUDGET ISOLATION RESOLUTION CARRIED OVER

On motion of Representative Beasley, the Budget Isolation Resolution and the bill, H. 293, were temporarily carried over.

BUDGET ISOLATION RESOLUTION CARRIED OVER

On motion of Representative Powell, the Budget Isolation Resolution and the bill, H. 197, were temporarily carried over.

BUDGET ISOLATION RESOLUTION

On motion of Representative Hamilton, the Budget Isolation Resolution relating to the bill, H. 326, was adopted.

Yeas 58; Nays 0.

Yea:

Mr. Speaker, Anderson, Barnes, Beasley, Black (M), Bowling, Bryant, Burke, Butler, Cagle, Carothers, Clay, Crow, Cullins, Curry, Freeman, Gaston, Goodwin, Gullatt, Hall, Hammett, Harvey, Haynes, Higginbotham, Hill, Hogan, Johnson, Knight, Kvalheim, Laird, Mathis, McDaniel, McKee, McMillan, Mikell, Millican, Morrow, Morton, Newman, Parker (P), Parker (T), Payne, Poole, Powell, Richardson, Rockhold, Rogers (F), Rogers (J), Sanderford, Sanderson, Smith (C), Spratt, Starkey, Turner, Turnham, Warren, Willis and Zoghby.

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And the bill:

H. 326. To prohibit those nonresidents fishing pursuant to sport fishing licenses provided for in Sections 9-11-55 and 9-11-56, Code of Alabama 1975, from taking or attempting to take fish from the public waters of this State by means of one or more trotlines having a combination of more than one hundred hooks, to require daily inspection of permissible trotlines and to prescribe certain criminal penalties.

was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 59; Nays 0.

Yea:

Mr. Speaker, Anderson, Barnes, Beasley, Black (M), Bowling, Bryant, Burke, Butler, Cagle, Carter, Clay, Crow, Cullins, Curry, Flowers, Ford, Freeman, Gaston, Goodwin, Gullatt, Hall, Hammett, Harvey, Haynes, Higginbotham, Hill, Hogan, Johnson, Knight, Kvalheim, Laird, Layson, McDaniel, McMillan, Mikell, Millican, Morrow, Newman, Parker (P), Parker (T), Payne, Petelos, Poole, Powell, Richardson, Rockhold, Rogers (F), Rogers (J), Sanderford, Smith (C), Starkey, Turner, Turnham, Venable, Warren, Williams, Willis and Zoghby.

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BUDGET ISOLATION RESOLUTION

On motion of Representative Rogers (F), the Budget Isolation Resolution relating to the bill, H. 342, was adopted.

Yeas 70; Nays 0.

Yea:

Mr. Speaker, Anderson, Barnes, Beasley, Biddle, Black (M), Blakeney, Bryant, Bugg, Burke, Butler, Cagle, Carothers, Carter, Clark (W), Cosby, Crow, Cullins, Curry, Dolbare, Flowers, Ford, Freeman, Gullatt, Hall, Hamilton, Hammett, Harvey, Hawkins, Haynes, Higginbotham, Hill, Hogan, Holladay, Johnson, Kennedy, Knight, Laird, Layson, Mathis, McDaniel, McMillan, Mikell, Millican, Morrow, Morton, Newman, Newton (D), Parker (P), Parker (T), Payne, Petelos, Poole, Powell, Richardson, Rockhold, Rogers (F), Rogers (J), Sanderford, Sanderson, Smith (C), Spratt, Starkey, Turner, Turnham, Venable, Warren, White, Williams and Willis.

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H. 342 TEMPORARILY CARRIED OVER

On motion of Representative Rogers (F), the bill, H. 342, was temporarily carried over.

**REPORT OF THE STANDING COMMITTEE
ON RULES ON ENROLLED AND ENGROSSED BILLS**

Mr. Speaker:

Your Standing Committee on Rules begs leave to report that said committee, in session, has compared the following engrossed bill with the original bill and finds same correctly engrossed, to-wit:

H. 374. To provide further for the availability of indigent health care, the operation of the medicaid program and the maintenance and expansion of medical services thereunder by imposing a privilege tax upon every provider of pharmaceutical services, except hospital inpatient pharmacies or pharmacies owned or operated by the state of Alabama or an agency thereof; to provide for collection of such tax and penalties; to provide for appropriations of such funds and their use by the Alabama medicaid agency; to prohibit the reduction or elimination of revenues resulting from this act which are applied to certain medicaid covered services or other enhancements; to require the timely payment by the Alabama medicaid agency of reimbursement due pharmaceutical providers; to provide that the provisions of this act shall remain effective only so long as adequate federal financial participation is available; and to authorize the department of revenue to adopt regulations as necessary to administer collection of the tax.

TOMMY CARTER
Chairman

And the bill, H. 374, as engrossed, was ordered sent to the Senate.

BILLS ON THIRD READING RESUMED**BUDGET ISOLATION RESOLUTION CARRIED OVER**

On motion of Representative Ford, the Budget Isolation Resolution and the bill, H. 131, were temporarily carried over.

ADJOURNMENT

On motion of Representative Ford and pursuant to the resolution, H.R. 105, heretofore adopted, the House adjourned until 1:00 o'clock p.m., Tuesday, May 7, 1991.

6th Day

Yeas 32; Nays 31.

Representatives Anderson, Barnes, Biddle, Bowling, Bryant, Burke, Buskey (JL), Cagle, Carter, Clark (W), Clay, Crow, Cullins, Dolbare, Ford, Hammett, Harper, Harvey, Higginbotham, Hogan, Holladay, Holmes, Kennedy, Melton, Morrow, Morton, Spratt, Thomas, Turner, Warren, White and Willis.

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Nay:

Representatives Beasley, Carothers, Cosby, Curry, Gaines, Gaston, Haynes, Hill, Holley, Hooper, Johnson, Knight, Kvalheim, Laird, Layson, Mathis, McMillan, Mikell, Millican, Parker (T), Payne, Petelos, Poole, Powell, Richardson, Sanderson, Smith (C), Starkey, Turnham, Venable and Zoghby.

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SEVENTH DAY

**House of Representatives
Montgomery, Alabama
Tuesday, May 7, 1991**

The House met pursuant to adjournment.

PRAYER

The session was opened with prayer by Dr. G. W. C. Richardson, Hutchinson Street Baptist Church, Montgomery, Alabama.

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Tiffany Trawick, Brewbaker Junior High, Montgomery, Alabama.

ROLL CALL

On a call of the roll of the House, the following members answered to their names:

Mr. Speaker, Anderson, Barnes, Beasley, Biddle, Black (L), Black (M), Blakeney, Bowling, Box, Bryant, Bugg, Burke, Buskey (JE), Buskey (JL), Butler, Cagle, Campbell, Carns, Carothers, Carter, Clark (W), Clay, Cosby, Crow, Cullins, Curry, Dolbare, Drake, Escott-Russell, Flowers, Ford, Freeman, Fuller, Gaines, Gaston, Goodwin, Grayson, Gullatt, Hall, Hamilton, Hammett, Haney, Harper, Harvey, Hawkins, Haynes, Higginbotham, Hill, Hogan, Holladay, Holley, Holmes, Hooper, Johnson, Kennedy, Knight, Kvalheim, Laird, Layson, Letson, Lindsey, Mathis, McClain, McDaniel, McDowell, McKee, McMillan, Melton, Mikell, Millican, Morrow, Morton, Newman, Newton (C), Newton (D), Parker (P), Parker (T), Payne, Penry, Perdue, Petelos, Poole, Powell, Rich, Richardson, Rockhold, Rogers (F), Rogers (J), Sanderford, Sanderson, Smith (C), Smith (R), Spratt, Starkey, Thomas, Turner, Turnham, Venable, Walker, Warren, White, Williams, Willis and Zoghby.

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A quorum was present.

REPORT OF STANDING COMMITTEE ON RULES

House of Representatives:

Your Standing Committee on Rules begs leave to report that it has carefully examined the Journal of the House for the sixth legislative day and finds the same to be correct.

TOMMY CARTER
Chairman

On motion of Representative Carter, the reading at length of the Journal of the House for the sixth legislative day was dispensed with, the Report of the Standing Committee on Rules was concurred in and adopted and the Journal for the sixth legislative day was approved.

H. 579 REREFERRED

No objection being offered, the Speaker rereferred the bill, H. 579, from the Standing Committee on Ways and Means to the Standing Committee on State Administration.

BILLS ON SECOND READING

Representative Petelos, Chairperson of the Standing Committee on Local Legislation No. 2, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, and they were severally read a second time and placed on the Calendar, to-wit:

7th Day

H. 44. Relating to the City of Birmingham in Jefferson County, to further amend Act No. 929, 1951 Regular Session and as extensively amended by Act No. 1272, 1973 Regular Session which created a Retirement and Relief System for officers and employees of Class 1 Municipalities, so as to provide further for a member appointed by the city council and a retired member elected by the retired members in the system to serve as members of the board of managers of the City of Birmingham Retirement and Relief System; to provide further for a quorum of the board; to provide additional compensation for members of the board; and to provide further for the filing of reports and records which shall be public records subject to inspection.

H. 332. Relating to the Jefferson County board of education; to provide that the members of the board of education shall be elected for staggered terms and from single-member districts; to provide further for the election and filling of the office of president of the board of education; and to provide that the boundary lines of said districts shall coincide with the boundary lines of the Jefferson County commission districts.

H. 407. Relating to Jefferson County; amending Act No. 970, S. 378, 1961 Regular Session, as amended, which provides for the issuance of motor vehicle license plates by mail, so as to increase the fee for such issuance in counties having a population of 600,000 or more according to the last or any subsequent federal census.

Representative Petelos, Chairperson of the Standing Committee on Local Legislation No. 2, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, with amendment, and it was read a second time and placed on the Calendar, to-wit:

H. 483. (With Amendment): Relating to the City of Birmingham in Jefferson County; to amend sections 3 and 7 of Act No. 105, H. 24, Third Special Session 1971, (Acts 1971, p. 4325), so as to provide further for the process of weed removal from private property by amending the notice requirements and making optional the collection of the special assessment by the county tax collector.

Representative Petelos, Chairperson of the Standing Committee on Local Legislation No. 2, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, with amendments, and it was read a second time and placed on the Calendar, to-wit:

H. 546. (With Amendments): Relating to Jefferson County; to provide for the orderly and efficient collection of municipal business license taxes with respect to corporations, firms, brokers, agents and other engaged in the business of buying, selling, leasing, renting, managing or representing others in the purchase, sale or lease of real property; and providing for an effective date.

Representative Petelos, Chairperson of the Standing Committee on Local Legislation No. 2, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report,

and they were severally read a second time and placed on the Calendar, to-wit:

H. 547. To propose an amendment to the Constitution of 1901, for Jefferson County, pursuant to Amendment No. 425 of the Constitution providing further for license taxes on certain real estate operations and transactions; and to provide for implementation.

The above bill was read a second time at length as required by the Constitution.

H. 560. To amend chapter 65 of Title 11 applicable to horse racing in Class 1 municipalities so as to authorize the mayor of the host city and the president or otherwise designated presiding officer of the county commission to appoint deputy racing commissioners having the qualifications of persons eligible to serve as appointed members of the commission, to serve at their pleasure as their deputies on the racing commission authorized by such chapter including, but not limited to, the power to vote at any meeting of the commission or any panel thereof in the absence of their respective appointing officer; to authorize the president or otherwise designated presiding officer of the host county commission, as an alternative, to appoint, for a term, another member of the host county commission to serve in the place of the said president or presiding officer of the host county commission during said term; and to specify the appointment and qualification procedures, the compensation of persons so appointed to serve as racing commission members or deputy members and the right of such persons to be reimbursed for expenses.

H. 526. Relating to Jefferson County; to provide that the Jefferson County commission shall have authority to remove or demolish buildings and structures, or parts thereof, when the same are found by the county commission to be unsafe to the extent of being a public nuisance; to provide for a hearing by the county commission if requested; to authorize that the cost of such demolition shall constitute a special assessment against the lot or lots, parcel or parcels whereon the building or structure was located and that such assessment to constitute a lien on said property; to provide methods of collecting such assessments; and to authorize the tax collector to collect such assessments.

Representative Hall, Chairperson of the Standing Committee on Local Legislation No. 4, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, and they were severally read a second time and placed on the Calendar, to-wit:

H. 567. Relating to Madison County; to provide for the election of the county superintendent of education at the expiration of the present tenure of office; to provide who may participate in said election; to provide for the election procedure; to provide for an interim appointment of the county superintendent of education in certain instances; to provide for the term of office and the method of filling vacancies; to provide for the qualifications and duties of said office and to provide for the compensation paid to the county superintendent of education.

H. 571. To alter, extend, rearrange and redefine the boundaries and corporate limits of the City of Huntsville in Madison County so as to exclude certain

territory from the city.

Representative Poole, Chairperson of the Standing Committee on Local Legislation No. 6, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, and they were severally read a second time and placed on the Calendar, to-wit:

H. 524. Relating to Tuscaloosa County; abolishing the office of constable.

H. 454. Relating to the office of chief deputy sheriff in Tuscaloosa County; to provide that such office shall be an office in the unclassified service of the county; to prescribe the compensation of the chief deputy and provide for the payment thereof; and to authorize the sheriff of Tuscaloosa County to appoint the chief deputy sheriff.

RESOLUTION

The following resolution was introduced:

By Representative Campbell:

H.R. 126. RELATIVE TO MEETING DAYS

BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES, That when we adjourn today, Tuesday, May 7, 1991, we adjourn to meet again on Thursday, May 9, 1991, at 10:00 a.m.

On motion of Representative Campbell, the rules were suspended and the resolution, H.R. 126, was adopted.

Also:

The following resolution was introduced and distributed according to Joint Rule 11:

By Representative Black (L):

H.R. 127. CONGRATULATING JOHN C. BELL OF SUMTER COUNTY, ALABAMA, ON THE OCCASION OF HIS 84TH BIRTHDAY.

Also:

The following resolutions were introduced:

By Representatives Butler, Grayson, Haney, Freeman, Hall and Sanderford:

H.J.R. 128. INVITING GENERAL WILLIAM S. CHEN AND GENERAL JOHN S. PEPPERS TO ADDRESS A JOINT SESSION OF THE LEGISLATURE.

WHEREAS, Major Generals William S. Chen and John (Jack) S. Peppers,

Commanding General of the U. S. Army Missile Command (MICOM) and Deputy Commander of the U. S. Army Strategic Defense Command (SDC), respectively, are the two senior Army Commanders at Redstone Arsenal whose organizations greatly impact upon the State of Alabama; and

WHEREAS, the contributions of MICOM and SDC to Alabama are anticipated to accelerate significantly in the future and several programs, including the proposed "Vision 2000" Army plan for consolidating several commands at Redstone Arsenal, the performance of MICOM systems in "Operation Desert Storm," and the implementation of the new SDC mission of Joint Theater Missile Defense (JMTD) are of consuming interest to the state; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we hereby most respectfully request General William S. Chen and General John (Jack) S. Peppers to appear before a joint session of the legislature on May 28, 1991, at a time to be later set, whereupon the members of the Alabama House of Representatives and the Alabama Senate will assemble in joint session to hear their remarks.

BE IT FURTHER RESOLVED, That the Clerk of the House, by copy of this resolution, advise General Chen and General Peppers of this invitation and of our hopeful anticipation of their acceptance.

On motion of Representative Butler, the rules were suspended and the resolution, H.J.R. 128, was adopted.

Also:

By Representative Clay:

H.J.R. 129. COMMENDING ROBERT E. LAWSON FOR DISTINGUISHED PROFESSIONAL ACHIEVEMENT AND SERVICE.

WHEREAS, the Legislature of Alabama, in highest commendation, notes the many professional accomplishments and long years of service to education by Robert E. Lawson of Sylacauga, Alabama; and

WHEREAS, a native of Marion, Alabama, Mr. Lawson is a graduate of Alabama State University with a B.S. degree, holds a Masters degree awarded by Fisk University, and has completed additional post graduate studies at Columbia University, the University of Alabama, Auburn University and the University of Michigan; and

WHEREAS, Mr. Lawson, who has served with dedicated distinction as principal of East Highland High School in Sylacauga for thirty-three years, has greatly contributed to education on the state and national levels, as well, through membership and in leadership positions with numerous professional organizations; and

WHEREAS, he further is the recipient of a number of awards bestowed in

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honor of professional achievement and community involvement, and is a candidate for the degree of Doctor of Laws, Honoris Causae, to be conferred by Livingston University, where he serves as a member of the Board of Trustees; and

WHEREAS, Robert E. "Bob" Lawson is indeed one of our state's most prominent educators, and his dedicated efforts and long years of service are worthy of public acknowledgement and acclaim; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we hereby most highly commend Robert E. Lawson of Sylacauga, Alabama, for outstanding service to education and community, and do further direct that he receive a copy of this resolution of sincere tribute to his many outstanding accomplishments.

On motion of Representative Clay, the rules were suspended and the resolution, H.J.R. 129, was adopted.

INTRODUCTION OF BILLS

Upon a call of Districts, bills were introduced, severally read one time and referred to appropriate standing committees as follows:

By Representative Warren (With Notice and Proof):

H. 588. Relating to Monroe County, providing further for the compensation of the sheriff.

COMMITTEE ON LOCAL LEGISLATION NO. 1

I HEREBY CERTIFY THAT THE NOTICE & PROOF IS ATTACHED TO THE BILL, H. 588, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

GREG PAPPAS, ASSISTANT CLERK

By Representatives Blakeney and Dolbare (With Notice and Proof):

H. 589. Relating to Clarke County; providing further for an expense allowance for members of the county commission.

COMMITTEE ON LOCAL LEGISLATION NO. 1

I HEREBY CERTIFY THAT THE NOTICE & PROOF IS ATTACHED TO THE BILL, H. 589, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

GREG PAPPAS, ASSISTANT CLERK

By Representative Turner:

H. 590. To amend Alabama Code §40-3-26 with respect to county boards of

equalization to state that county attorneys shall represent the state and county instead of district attorneys in appeals to circuit court and to provide for an effective date.

COMMITTEE ON JUDICIARY

By Representatives Beasley, Crow, Willis, Cagle, Carothers, and Flowers:

H. 591. To require certain minimum deposits into an irrevocable trust fund of proceeds of sales of interment spaces in an endowment or perpetual care cemetery; to require a minimum deposit into an irrevocable trust fund by any person establishing endowment or perpetual care cemeteries after the effective date of this act, or by any person operating endowment or perpetual care cemeteries on the effective date of this act; to provide for the supervision and control of such trust funds; to provide for the penalties for violation; for enforcement and supervision by the district attorneys of the several judicial circuits; and for related purposes.

COMMITTEE ON BUSINESS AND LABOR

By Representative Dolbare:

H. 592. To amend Alabama Code §12-17-184 (15) by deleting the requirements that district attorneys represent the board of registrars of the county or counties comprising their judicial circuits.

COMMITTEE ON JUDICIARY

By Representative Holladay:

H. 593. To amend sections 30-3-61 and 30-3-62, Code of Alabama 1975, relating to child support withholding orders, so as to require the employer to remit to the clerk of the court, the department, or its designee the child support withheld within 10 days of the date the obligor is paid; to provide that payments withheld shall be paid over by the employer in accordance with section 30-3-61(b), Code of Alabama 1975; to specify the requirements for termination of withholding orders; and to require prompt termination of withholding when criteria are met; to amend section 30-3-94, Code of Alabama 1975, relating to the Interstate Income Withholding Act, so as to provide for immediate wage withholding on interstate child support cases.

COMMITTEE ON JUDICIARY

By Representative Holladay:

H. 594. To amend section 38-10-9, Code of Alabama 1975, which provides for the department of human resources to conduct investigations regarding financial ability of parents who owe child support, so as to authorize the department to conduct investigations to locate absent parents; to provide a penalty for failure to provide information; and to require private employers upon written request to furnish the department with certain information regarding a parent or putative

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parent in their employ; to amend section 38-10-12, Code of Alabama 1975, so as to exclude federal and state offset collections and disregard payments from the requirement that child support collections be disbursed within five days of receipt, in order to clarify compliance with other state law and federal regulations.

COMMITTEE ON JUDICIARY

By Representatives Hawkins, Petelos, Burke, Richardson, Mathis, Venable, Ford, McDaniel, Freeman, Higginbotham, Newman, Carter, Mikell, Crow, Cosby, Hooper, Clark (J), Smith (C), Bowling, Kvalheim, Curry, McKee, Black (M), McMillan, Gaston, Haney, Millican, Powell, Williams, Haynes, Beasley, Bugg, and Rockhold:

H. 595. Providing for a construction industry craft training program in state-supported vocational, technical and trade schools and other facilities for training potential workers with necessary skills for success in this industry; providing that such program shall be supervised and administered by a board of directors; prescribing the composition, term, duties and authority of such board; imposing a certain surcharge on construction industry building permits to finance this program; providing for the collection, administration and disposition of such surcharges; authorizing said board to promulgate and implement administrative rules and procedures to carry out the provisions of this act; and providing that this act shall become effective on October 1, 1991.

**COMMITTEE ON COMMERCE,
TRANSPORTATION AND UTILITIES**

By Representatives Penry, Harper, McMillan, Carter, and Rockhold:

H. 596. To further provide for the tax exemptions on certain ships and vessels and commercial fishing vessels of over five (5) tons load displacement and not more than fifty (50) tons load displacement as registered with the U. S. Coast Guard licensed by the State of Alabama Department of Conservation and Natural Resources; to amend sections 40-23-4, 40-23-61 and 40-23-62 of the Code of Alabama 1975, as amended, relating to exemptions from sales and use taxation, generally; excise tax on the storage, use or other consumption of certain tangible personal property and exemptions therefrom; to repeal any conflicting laws, rules or regulations.

COMMITTEE ON WAYS AND MEANS

By Representative Knight:

H. 597. To provide for the employment, powers, and duties of police officers of the University of Montevallo.

COMMITTEE ON HIGHWAY SAFETY

By Representative Parker (T):

H. 598. To amend Alabama Code Section 41-9-374 (1975) to delete the specified appropriation provisions for the Alabama Commissioners on Uniform State Laws.

COMMITTEE ON WAYS AND MEANS

By Representatives Haynes, Johnson, Bowling, Carothers, Beasley, Freeman, Kvalheim, Hall, Butler, Drake, Rockhold, McClain, and McDowell:

H. 599. To require certain persons or entities to obtain a certification from the State Department of Insurance before conducting utilization reviews; to define certain terms; to establish certain applications, procedures and standards for administrative review; to provide for appeal of certain final decisions of the State Department of Insurance; to authorize the assessment of certain application and renewal fees; to authorize the adoption of regulations; to authorize the revocation of certificate under certain circumstances; to provide for certain criminal penalties for violations of this act; to provide for the resolution of certain disputes involving the medical necessity of claims to be resolved in a certain manner; and to require physician involvement in utilization review.

COMMITTEE ON HEALTH

By Representatives Newton (D), Barnes, Spratt, and Rogers (J) (With Notice and Proof):

H. 600. To amend Section 4.04 of Act No. 452, H. 974, 1955 Regular Session (Acts 1955, p. 1004), as amended, which provided for a Mayor-Council form of government for cities having a population of 300,000 inhabitants or more according to the 1970 federal decennial census, now defined by statute as Class 1 municipalities and applicable only to the City of Birmingham, so as to provide for the intent of this act; to provide upon the commencement of the next term of the office of mayor in 1991, and thereafter for the salary of such mayor for terms commencing in 1955 and thereafter, to make the mayor of such city ineligible to receive expense allowances as provided for in Section 11-43-86 of the Code of Alabama 1975, upon the commencement of such increased salary and to authorize reimbursement of actual expenses incurred by such mayor in the performance of such office.

COMMITTEE ON LOCAL LEGISLATION NO. 2

I HEREBY CERTIFY THAT THE NOTICE & PROOF IS ATTACHED TO THE BILL, H. 600, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

GREG PAPPAS, ASSISTANT CLERK

By Representatives McDowell, Rogers (J), McClain, and Barnes:

H. 601. To provide for the licensing and issuing of county permits for every fortune-teller, clairvoyant, palmist, astrologer, phrenologist, character reader, spirit medium, absent treatment healer or mental healer and every person engaged in any occupation of a similar nature.

COMMITTEE ON HIGHWAY SAFETY

7th Day

By Representatives McDowell, Rogers (J), McClain, and Barnes (With Notice and Proof):

H. 602. Relating to Jefferson County; requiring the county commission to provide for the necessary accommodations in the county courthouse for centralizing the issuance of licenses so as to enable an individual to initially obtain or renew any type of state, county or municipal business, recreational or privilege license required by law without having to go to various political subdivision licensing offices throughout the county and authorizing the county to charge a certain processing fee for centralizing such issuance.

COMMITTEE ON LOCAL LEGISLATION NO. 2

I HEREBY CERTIFY THAT THE NOTICE & PROOF IS ATTACHED TO THE BILL, H. 602, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

GREG PAPPAS, ASSISTANT CLERK

By Representatives White, Harper, Turnham, Freeman, Kennedy, Fuller, Newman, Mathis, McClain, Rogers (J), and Burke:

H. 603. To make a supplemental appropriation from the State General Fund for the sum of three hundred fifty thousand dollars (\$350,000) to the Alabama Military Department for capital outlay for the fiscal year ending September 30, 1991, for the construction of an armory facility at Brewton.

COMMITTEE ON WAYS AND MEANS

By Representatives Hooper, Clark (J), Gaston, Knight, Zoghby, Turnham, Flowers, Thomas, Parker (T), Campbell, Carter, Hammett, Haynes, Petelos, Starkey, Gaines, Carns, Sanderson, Hawkins, Perdue, Burke, Holladay, Drake, Cosby, Harper, Beasley, Mathis, Layson, Fuller, Gullatt, Box, Morrow, Clay, Poole, Curry, Morton, Hill, Mikell, Kennedy, McKee, Cagle, Hogan, Willis, Newton (C), Crow, Johnson, McMillan, Bowling, and Ford:

H. 604. To provide for the organization of a public corporation to be known as the Alabama International Airport Authority; to provide for the appointment of the members of the authority; to designate the officers and members of the board of directors; to provide that the state treasurer shall be custodian of the funds of the authority; to prescribe the powers of the authority including the power of eminent domain, the power to assess and collect fines, the power to appoint police officers, and the power to issue bonds or notes and to use the proceeds for any of its corporate purposes; to provide that such bonds or notes may be payable from one or more specified sources; to provide for the form of such bonds; to authorize the authority to issue refunding bonds; to provide that bonds issued or contracts entered into by the authority shall not create a debt or obligation of the state or any of its subdivisions unless so provided by amendment to the state constitution; to provide for the publication of notice of any resolution by the authority for the issuance of bonds and specifying a time after such publication in which actions and defenses may be asserted against said bonds; to provide that the authority

may accept and expend federal, state, county, municipal, or other moneys made available to it to accomplish its corporate purposes; to provide that no civil action shall be brought or maintained against the authority or any of its directors for the negligence of the authority, its directors, or any of its agents, servants or employees; to provide that any political subdivision, public corporation, or instrumentality of the state may aid and cooperate with the authority; to provide that the bonds of the authority shall be legal investments for the state, all public officers, municipal corporations, political subdivisions, public corporations, public bodies, financial institutions, insurance companies and fiduciaries; to exempt the authority, its bonds, its income and its property from all state, county and municipal taxation; to exempt the authority from all laws from which airport authorities organized pursuant to article 2 of chapter 3 of title 4, Code of Alabama 1975, are exempt; to provide the authority with zoning powers; to provide conditions on the annexation of the authority's airports, airport facilities, other facilities and properties; to provide for the sale and distribution of alcoholic beverages and the regulation and control thereof within the authority's airports, airport facilities and other facilities; to provide that authority employees shall participate in the state employees' retirement system; to provide for the disposal of lost money or property found on authority property; to provide for the regulation of parking on authority property; and to provide for the dissolution of the authority.

COMMITTEE ON COMMERCE,
TRANSPORTATION AND UTILITIES

By Representative Hall:

H. 605. To provide for an exemption from taxation for contractors performing public works contracts for payment of any additional sales and use taxes incurred as a result of increases in the rate of sales and use taxes imposed during the performance of the contract.

COMMITTEE ON WAYS AND MEANS

By Representative Mathis:

H. 606. To provide that under certain circumstances, the state pardons and paroles board may consider for parole, any person sentenced as an habitual felony offender under Section 13A-5-9 of the Code of Alabama 1975, which section mandates additional criminal penalties for certain repeat felony convictions; so as to provide further therefor; to provide that the provisions of this act shall not be applicable to persons who inflicted death upon another in the commission of a felony, serious physical harm or bodily harm or injury, rape and certain sexual offenses, aggravated assault, or, except for burglary, offenses involving danger to the person in the commission of the felonies; to grant the board certain rule-making power; and to make certain other exceptions.

COMMITTEE ON JUDICIARY

By Representatives Gaston, Box, Kvalheim, McKee, Hooper, Haynes, Penry, Starkey, Drake, Turner, Newton (D), Burke, McClain, McDowell, Parker (P), Crow, Harper, Beasley, and Rockhold:

H. 607. To amend Section 36-27-15.2, Code of Alabama 1975, which relates to credit for out-of-state service in the retirement systems, so as to provide further for such credit.

COMMITTEE ON WAYS AND MEANS

By Representative Mathis:

H. 608. To amend Section 12-18-87 of the Code of Alabama 1975, relating to probate judges' retirement benefits, so as to provide further for said probate judges' retirement benefits.

COMMITTEE ON WAYS AND MEANS

By Representatives Hawkins, Carns, and Clark (J):

H. 609. Relating to Class 7 municipalities; and to provide that any Class 7 municipality may establish its own personnel board and civil service system by the passage of a municipal ordinance.

COMMITTEE ON LOCAL GOVERNMENT

By Representatives Beasley, McDaniel, Carter, Johnson, Haynes, Poole, Warren, Black (M), White, Mathis, Holmes, Crow, Cagle, Willis, Walker, McKee, Mikell, Newton (D), Blakeney, Bryant, Laird, Smith (C), Newton (C), Fuller, Thomas, Clay, Box, Gaston, Gullatt, Zoghby, Rockhold, Kennedy, Williams, Layson, Bowling, Bugg, Spratt, Morrow, Millican, McDowell, Barnes, McClain, Hawkins, Smith (R), Haney, Parker (T), Knight, Rogers (F), Morton, Curry, Grayson, Newman, Anderson, Ford, Cullins, Clark (W), Turner, and Buskey (JL):

H. 610. To amend Section 25-4-72, Code of Alabama 1975, as amended, relating to unemployment compensation weekly benefit, so as to increase the maximum of such benefit.

COMMITTEE ON BUSINESS AND LABOR

By Representative Beasley:

H. 611. To amend Section 36-21-8, Code of Alabama 1975, relating to certain law enforcement officers retaining their badge and pistol as part of retirement benefits, to include certain law enforcement officers who are employees of the Alabama Criminal Justice Information Center.

COMMITTEE ON WAYS AND MEANS

By Representative Turner (With Notice and Proof):

H. 612. Relating to Mobile County, authorizing residents to construct and maintain a permanent mailbox on the right-of-way of a county highway and authorizing residents to use all lawful means to protect said mailbox from vandalism.

COMMITTEE ON LOCAL LEGISLATION NO. 3

I HEREBY CERTIFY THAT THE NOTICE & PROOF IS ATTACHED TO THE BILL, H. 612, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

GREG PAPPAS, ASSISTANT CLERK

RESOLUTION

The following resolution was introduced and distributed according to Joint Rule 11:

By Representative Dolbare:

H.R. 130. COMMENDING ROSIE MERIDA FOR OUTSTANDING SERVICE TO THE WASHINGTON COUNTY BOARD OF EDUCATION.

S. 321 REREFERRED

No objection being offered, the Speaker rereferred the bill, S. 321, from the Standing Committee on Commerce, Transportation and Utilities to the Standing Committee on Industrial Development and Economic Growth.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and passed the following Senate Bill and ordered same sent forthwith to the House:

By Senators Parsons, Bennett, Waggoner, Hilliard, Amari, and Horn:

S. 41. To propose an amendment to the Constitution of 1901, for Jefferson County, pursuant to Amendment No. 425 of the Constitution providing further for license taxes on certain real estate operations and transactions; and to provide for implementation.

MCDOWELL LEE
Secretary

SENATE MESSAGE

The Senate Bill, the title of which is set out in the foregoing Message from the Senate, was read a first time at length as required by the Constitution and referred to the Standing Committee as follows:

S. 41. Local Legislation No. 1.

MOTION TO SUSPEND RULES ADOPTED

On motion of Representative Campbell, the rules were suspended in order to bring up uncontested local bills on the Calendar.

BILLS ON THIRD READING

BUDGET ISOLATION RESOLUTION CARRIED OVER

On motion of Representative Curry, the Budget Isolation Resolution and the bill, H. 43, were temporarily carried over.

BUDGET ISOLATION RESOLUTION

On motion of Representative Ford, the Budget Isolation Resolution relating to the bill, H. 114, was adopted.

Yeas 39; Nays 0

Yea:

Mr. Speaker, Black (L), Black (M), Box, Bryant, Carter, Clay, Cullins, Curry, Drake, Flowers, Freeman, Gaston, Gullatt, Hall, Hamilton, Harvey, Haynes, Higginbotham, Hogan, Holladay, Holley, Johnson, Knight, Mikell, Morrow, Morton, Newton (C), Parker (P), Parker (T), Payne, Poole, Powell, Richardson, Rockhold, Smith (C), Spratt, Willis and Zoghby.

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PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned, and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

And the bill:

H. 114. (With Amendment): Providing for a board of education for the City of Attalla, Alabama, to be elected by the qualified electors of said city; providing that the members of such board shall be elected from defined school districts; providing for the terms of office, qualifications and compensation of such members; prescribing procedures for electing such members and for filling vacancies on such board; providing for board representation for persons not residing within a specific school district; providing certain immunity for such board members; providing for financial audits of the records of such board; and providing that this act shall become effective only upon the ratification of an amendment to the Constitution of Alabama 1901, authorizing an elected school

board for the City of Attalla.

was taken up.

The question was then on the adoption of the amendment reported by the Standing Committee on Local Legislation No. 1, said committee amendment being as follows:

Amend H. 114 on page 2, Section 4, beginning on line 28 after the word "No." and continuing on line 29 by striking the following: ~~1, No. 3 and No. 5~~ and inserting the following language:

2 and No. 4

Further amend H. 114, Page 2, Section 4, at the beginning of Line 31 by striking the following: ~~No. 2 and No. 4~~ and inserting the following language:

No. 1, No. 3 and No. 5

AMENDMENT ADOPTED

And the amendment was adopted.

Yeas 45; Nays 0.

Yea:

Mr. Speaker, Beasley, Black (L), Black (M), Blakeney, Box, Bryant, Bugg, Cagle, Carter, Clay, Cullins, Curry, Drake, Flowers, Gaston, Gullatt, Hamilton, Harvey, Higginbotham, Hill, Hogan, Holladay, Holley, Knight, Layson, Mikell, Millican, Morrow, Morton, Newton (C), Parker (P), Parker (T), Payne, Poole, Powell, Rockhold, Smith (C), Smith (R), Spratt, Starkey, Turnham, Walker, Williams and Willis.

-45

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned, and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

H. 114 TEMPORARILY CARRIED OVER

On motion of Representative Ford, the bill, H. 114, as amended, was temporarily carried over.

BUDGET ISOLATION RESOLUTION CARRIED OVER

On motion of Representative Ford, the Budget Isolation Resolution and the bill, H. 115, were temporarily carried over.

BUDGET ISOLATION RESOLUTION

On motion of Representative Ford, the Budget Isolation Resolution relating to the bill, H. 116, was adopted.

Yeas 47; Nays 0.

Yea:

Mr. Speaker, Anderson, Beasley, Black (L), Black (M), Blakeney, Box, Bryant, Burke, Cagle, Campbell, Carter, Cullins, Curry, Dolbare, Ford, Freeman, Goodwin, Gullatt, Hall, Hamilton, Haney, Harvey, Higginbotham, Hill, Hogan, Holladay, Holmes, Kennedy, Knight, Layson, McMillan, Mikell, Millican, Morrow, Parker (P), Parker (T), Perdue, Petelos, Powell, Richardson, Rogers (F), Sanderson, Smith (C), Venable, Walker and Willis.

-47

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned, and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

And the bill:

H. 116. Relating to Etowah County; authorizing the Etowah County Commission to levy a user fee on the issuance of all motor vehicle license tags for passenger automobiles and trucks of any nature in addition to any and all other charges, costs, taxes or fees levied thereon; and providing for the payment, collection and distribution of the net revenues from such user fees.

was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 40; Nays 0.

Yea:

Mr. Speaker, Anderson, Beasley, Black (L), Black (M), Blakeney, Box, Bryant, Cagle, Campbell, Carter, Clay, Cullins, Curry, Drake, Ford, Goodwin, Hamilton, Hammett, Harvey, Higginbotham, Hill, Holmes, Kennedy, Knight, McMillan, Mikell, Morrow, Newton (C), Parker (P), Parker (T), Petelos, Powell, Rockhold, Sanderson, Smith (C), Smith (R), Venable, Willis and Zoghby.

-40

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned, and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

BUDGET ISOLATION RESOLUTION CARRIED OVER

On motion of Representative Ford, the Budget Isolation Resolution and the bill, H. 130, were temporarily carried over.

BUDGET ISOLATION RESOLUTION

On motion of Representative Holladay, the Budget Isolation Resolution relating to the bill, H. 311, was adopted.

Yeas 32; Nays 0.

Yea:

Mr. Speaker, Black (L), Box, Bryant, Cagle, Campbell, Carter, Cullins, Ford, Fuller, Goodwin, Hammett, Haney, Harvey, Higginbotham, Hogan, Kennedy, McKee, McMillan, Mikell, Morrow, Parker (P), Parker (T), Poole, Powell, Rockhold, Smith (C), Smith (R), Spratt, Venable, Willis and Zoghby.

-32

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned, and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

And the bill:

H. 311. (With Amendment): To propose an amendment to the Constitution of Alabama of 1901; to authorize the operation of bingo games for prizes or money by certain nonprofit organizations for charitable or educational purposes in St. Clair County.

was taken up.

The question was then on the adoption of the amendment reported by the Standing Committee on Local Legislation No. 1, said committee amendment being as follows:

7th Day

On page 1, on line 19, after the word "County" insert: and to levy a fee on each bingo card sold and to provide for the distribution of the proceeds of said fee.

On page 3, after the language on line 5, insert the following: (8) A fee of \$.10 (ten cents) shall be levied upon each bingo card sold pursuant to the provisions of this amendment or pursuant to any local law. Said fee shall be collected by the nonprofit organization who sold the bingo card and paid to the tax collector or revenue commissioner of St. Clair County on a weekly basis. The tax collector or revenue commissioner shall place the proceeds collected into the treasury of St. Clair County in a special fund. All funds collected shall be expended by the county commission in the following manner:

40% (forty percent) of said funds shall be allocated to volunteer fire departments located in St. Clair County;

30% (thirty percent) of said funds shall be allocated to senior citizens' programs and facilities;

20% (twenty percent) of said funds shall be allocated to youth recreation programs and facilities;

10% (ten percent) of said funds shall be allocated to the St. Clair County sheriff's department. The tax collector or revenue commissioner of St. Clair County shall have authority to promulgate necessary rules and regulations to implement the procedure for the collection of the fee prescribed herein. The legislature, from time to time, may by local law alter the fee levied herein and alter the method of allocating the proceeds of said fee.

AMENDMENT ADOPTED

And the amendment was adopted.

Yeas 35; Nays 0.

Yea:

Mr. Speaker, Anderson, Black (L), Black (M), Box, Bryant, Cagle, Campbell, Carter, Clay, Cullins, Drake, Ford, Freeman, Fuller, Goodwin, Hall, Hamilton, Hammett, Haney, Harvey, Higginbotham, Holmes, Kennedy, Layson, McMillan, Mikell, Morrow, Parker (T), Payne, Richardson, Smith (R), Spratt, Willis and Zoghby.

-35

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned, and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

And the bill:

H. 311. To propose an amendment to the Constitution of Alabama of 1901; to authorize the operation of bingo games for prizes or money by certain nonprofit organizations for charitable or educational purposes in St. Clair County and to levy a fee on each bingo card sold and to provide for the distribution of the proceeds of said fee.

as amended, was read a third time at length and passed, and ordered engrossed.

Yeas 65; Nays 0.

Yea:

Mr. Speaker, Anderson, Beasley, Black (L), Black (M), Blakeney, Bowling, Box, Bryant, Bugg, Cagle, Campbell, Carns, Carothers, Carter, Clay, Crow, Cullins, Drake, Ford, Freeman, Fuller, Gaines, Goodwin, Grayson, Gullatt, Hall, Hamilton, Hammett, Haney, Harvey, Hawkins, Haynes, Higginbotham, Hogan, Holladay, Holmes, Johnson, Kennedy, Layson, Lindsey, Mathis, McClain, McDaniel, McMillan, Mikell, Morrow, Morton, Newton (C), Newton (D), Parker (T), Payne, Perdue, Richardson, Rockhold, Sanderson, Smith (R), Spratt, Starkey, Turnham, Venable, Warren, Williams, Willis and Zoghby.

-65

BUDGET ISOLATION RESOLUTION

On motion of Representative Holladay, the Budget Isolation Resolution relating to the bill, H. 312, was adopted.

Yeas 43; Nays 0.

Yea:

Mr. Speaker, Anderson, Black (L), Black (M), Box, Bryant, Bugg, Cagle, Campbell, Carter, Clark (W), Cullins, Drake, Ford, Freeman, Fuller, Goodwin, Grayson, Gullatt, Hall, Hamilton, Hammett, Haney, Harvey, Hawkins, Higginbotham, Holmes, Kennedy, Layson, McMillan, Mikell, Morrow, Morton, Parker (P), Parker (T), Payne, Penry, Smith (R), Spratt, Starkey, Venable, Willis and Zoghby.

-43

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned, and the Speaker directed the Clerk to ascertain if there was a quorum present.

7th Day

The Clerk reported that there was a quorum present.

And the bill:

H. 312. Relating to St. Clair County; to provide for the operation of bingo games for prizes or money only by qualified organizations for bona fide charitable, educational or other lawful purposes; to provide for permits or licenses, applications, forms and contents to operate bingo; to provide for special permits or licenses; to prohibit certain activities and impose special requirements; to provide for fees and expenses; to provide for the disposition of proceeds; to provide for the operation of bingo; to provide for the keeping of records and their inspection; to provide for the issuance and revocation of permits or licenses; to provide for supervision by the circuit court; to provide for certain powers and duties of the sheriff; to provide for penalties and forfeitures; and to provide that this act shall become effective upon the adoption of an amendment to the Constitution of Alabama of 1901 authorizing bingo in St. Clair County.

was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 42; Nays 0.

Yea:

Mr. Speaker, Anderson, Black (L), Black (M), Box, Bryant, Cagle, Campbell, Carns, Carter, Clark (W), Clay, Cullins, Drake, Ford, Freeman, Fuller, Goodwin, Hamilton, Hammett, Haney, Harvey, Hawkins, Higginbotham, Holladay, Holmes, Kennedy, Layson, McClain, McMillan, Mikell, Morrow, Parker (P), Parker (T), Payne, Perdue, Smith (R), Spratt, Starkey, Venable, Willis and Zoghby.

-42

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned, and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

BUDGET ISOLATION RESOLUTION

On motion of Representative Black (L), the Budget Isolation Resolution relating to the bill, H. 493, was adopted.

Yeas 42; Nays 0.

Yea:

Mr. Speaker, Anderson, Black (L), Black (M), Blakeney, Box, Bryant, Campbell, Carter, Clark (W), Clay, Cullins, Curry, Dolbare, Freeman, Grayson, Gullatt, Hall, Hamilton, Haney, Harvey, Higginbotham, Holmes, Kennedy, Laird, Layson, McMillan, Morrow, Morton, Newman, Parker (P), Parker (T), Payne, Penry, Perdue, Poole, Powell, Smith (R), Spratt, Starkey, Venable and Willis.

-42

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned, and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

And the bill:

H. 493. Relating to Sumter County; providing certain additional compensation for the poll workers to be paid from the county general fund.

was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 49; Nays 0.

Yea:

Representatives Anderson, Black (L), Black (M), Blakeney, Box, Bryant, Cagle, Campbell, Carter, Clark (W), Clay, Cullins, Curry, Dolbare, Drake, Ford, Fuller, Gaston, Grayson, Gullatt, Hamilton, Haney, Higginbotham, Holley, Holmes, Kennedy, Knight, Laird, McClain, McMillan, Morrow, Newman, Newton (C), Parker (P), Parker (T), Payne, Penry, Perdue, Poole, Powell, Richardson, Rockhold, Smith (C), Smith (R), Starkey, Venable, Warren, Willis and Zoghby.

-49

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned, and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

BUDGET ISOLATION RESOLUTION

On motion of Representative Richardson, the Budget Isolation Resolution relating to the bill, H. 140, was adopted.

Yeas 55; Nays 0.

Yea:

Mr. Speaker, Anderson, Black (L), Black (M), Blakeney, Box, Bryant, Bugg, Campbell, Carter, Clark (W), Cullins, Curry, Drake, Ford, Freeman, Gaines, Gaston, Grayson, Gullatt, Hall, Hamilton, Hammett, Haney, Harvey, Higginbotham, Hill, Holley, Kennedy, Knight, Laird, McKee, McMillan, Mikell, Morrow, Newnan, Newton (C), Parker (P), Parker (T), Payne, Penry, Perdue, Petelos, Poole, Powell, Richardson, Sanderson, Smith (C), Smith (R), Spratt, Starkey, Turnham, Venable, Willis and Zoghby.

-55

And the bill:

H. 140. Relating to the City of Scottsboro in Jackson County, granting certain authority to the electric power board.

was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 61; Nays 0.

Yea:

Mr. Speaker, Anderson, Black (L), Black (M), Blakeney, Box, Bryant, Butler, Campbell, Carter, Clark (W), Cullins, Curry, Drake, Ford, Freeman, Gaines, Gaston, Grayson, Gullatt, Hall, Hamilton, Hammett, Haney, Harvey, Higginbotham, Hill, Holley, Holmes, Kennedy, Knight, Laird, Layson, McDowell, McKee, McMillan, Mikell, Millican, Morrow, Morton, Newman, Parker (P), Parker (T), Payne, Penry, Perdue, Poole, Powell, Richardson, Rogers (F), Sanderson, Smith (C), Smith (R), Spratt, Starkey, Turnham, Venable, Walker, Warren, Willis and Zoghby.

-61

BUDGET ISOLATION RESOLUTION

On motion of Representative Carter, the Budget Isolation Resolution relating to the bill, S. 60, was adopted.

Yeas 55; Nays 0.

Yea:

Mr. Speaker, Anderson, Biddle, Black (L), Black (M), Blakeney, Box, Bryant, Bugg, Butler, Campbell, Carter, Clark (W), Cullins, Dolbare, Drake, Flowers, Ford, Freeman, Goodwin, Grayson, Gullatt, Hall, Hamilton, Hammett, Harvey, Higginbotham, Hill, Kennedy, Knight, Layson, McKee, McMillan, Mikell, Millican, Morrow, Morton, Newman, Newton (C), Parker (P), Payne, Penry, Perdue, Petelos, Poole, Richardson, Rogers (F), Smith (C), Spratt, Starkey, Turnham, Venable, Walker, Willis and Zoghby.

-55

And the bill:

S. 60. Relating to Limestone County and the regulation and operation of privately-owned or controlled regional landfills for solid waste so as to further provide for such solid waste landfill operation and location within the county; providing that any such regulation and restriction shall be cumulative to any other provisions of law, rule or regulation on solid waste; and requiring the Limestone County Commission to call for a referendum election on the question of location or acceptance of any privately-owned or controlled regional landfill within the county prior to such operation, location or acceptance; and providing severability and effective date.

was read a third time at length and passed.

Yeas 56; Nays 0.

Yea:

Mr. Speaker, Anderson, Black (L), Black (M), Blakeney, Box, Bryant, Butler, Campbell, Carns, Carter, Clark (W), Cullins, Dolbare, Drake, Flowers, Ford, Freeman, Goodwin, Grayson, Gullatt, Hamilton, Hammett, Haney, Harvey, Hawkins, Higginbotham, Hill, Holmes, Kennedy, Knight, Laird, Layson, McKee, McMillan, Mikell, Morrow, Morton, Newman, Newton (C), Parker (P), Parker (T), Payne, Penry, Perdue, Petelos, Poole, Richardson, Rockhold, Smith (C), Spratt, Starkey, Turnham, Venable, Willis and Zoghby.

-56

BUDGET ISOLATION RESOLUTION

On motion of Representative Carter, the Budget Isolation Resolution relating to the bill, H. 500, was adopted.

Yeas 54; Nays 0.

Yea:

Mr. Speaker, Anderson, Biddle, Black (L), Black (M), Blakeney, Box,

7th Day

Bryant, Butler, Carter, Clark (W), Cullins, Dolbare, Drake, Flowers, Ford, Freeman, Gaston, Goodwin, Grayson, Gullatt, Hall, Hamilton, Hammett, Harvey, Higginbotham, Holmes, Kennedy, Knight, Layson, McKee, McMillan, Morrow, Morton, Newman, Newton (C), Parker (P), Parker (T), Payne, Penry, Perdue, Petelos, Poole, Powell, Richardson, Rockhold, Sanderson, Smith (C), Spratt, Turnham, Venable, Walker, Warren and Willis.

-54

And the bill:

H. 500. Relating to Limestone County; providing that there shall be only one landfill in the county.

was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 57; Nays 0.

Yea:

Mr. Speaker, Anderson, Biddle, Black (L), Black (M), Blakeney, Bryant, Bugg, Butler, Cagle, Campbell, Carter, Clay, Cullins, Dolbare, Drake, Flowers, Ford, Freeman, Gaston, Goodwin, Grayson, Hall, Hamilton, Hammett, Harvey, Haynes, Higginbotham, Hogan, Holmes, Johnson, Kennedy, Knight, Layson, McKee, McMillan, Mikell, Morrow, Morton, Newman, Newton (C), Parker (P), Parker (T), Payne, Penry, Perdue, Petelos, Poole, Powell, Richardson, Sanderson, Smith (C), Turnham, Venable, Walker, Warren and Willis.

-57

BUDGET ISOLATION RESOLUTION CARRIED OVER

On motion of Representative Richardson, the Budget Isolation Resolution and the bill, H. 139, were temporarily carried over.

H. 114 RESUMED

And the bill, H. 114, as amended, which previously was temporarily carried over was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 48; Nays 0.

Yea:

Mr. Speaker, Anderson, Biddle, Black (L), Black (M), Box, Bugg, Butler, Cagle, Carter, Clark (W), Clay, Cullins, Curry, Drake, Flowers, Ford, Freeman, Gaines, Goodwin, Hall, Hamilton, Hammett, Haney, Higginbotham, Hill,

Hogan, Holladay, Knight, Layson, McClain, McKee, Millican, Morrow, Morton, Newton (C), Newton (D), Parker (P), Payne, Perdue, Poole, Smith (C), Smith (R), Spratt, Starkey, Venable, Walker and Willis.

-48

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned, and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

BUDGET ISOLATION RESOLUTION

On motion of Representative Ford, the Budget Isolation Resolution relating to the bill, H. 130, was adopted.

Yeas 56; Nays 0.

Yea:

Mr. Speaker, Anderson, Biddle, Black (L), Black (M), Box, Bryant, Bugg, Cagle, Carns, Carter, Clark (W), Clay, Cullins, Dolbare, Drake, Flowers, Ford, Freeman, Gaines, Goodwin, Grayson, Gullatt, Hall, Hamilton, Hammett, Haney, Harper, Hawkins, Hogan, Holladay, Kennedy, Knight, Layson, Lindsey, McKee, Morrow, Morton, Newton (D), Parker (P), Payne, Penry, Perdue, Poole, Rockhold, Sanderford, Sanderson, Smith (C), Smith (R), Spratt, Starkey, Turnham, Venable, Walker, Warren and Willis.

-56

And the bill:

H. 130. Proposing an amendment to the Constitution of Alabama of 1901, providing for the election of the members of the board of education in the City of Attalla, Alabama.

was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 68; Nays 0.

Yea:

Mr. Speaker, Anderson, Biddle, Black (L), Black (M), Blakeney, Box, Bryant, Bugg, Cagle, Carns, Clark (W), Cosby, Crow, Cullins, Curry, Dolbare, Drake, Flowers, Freeman, Gaines, Goodwin, Grayson, Gullatt, Hall, Hamilton, Hammett, Haney, Harper, Hawkins, Haynes, Higginbotham, Hill, Hogan,

7th Day

Holladay, Johnson, Kennedy, Knight, Layson, Lindsey, McKee, McMillan, Millican, Morrow, Newman, Newton (D), Parker (P), Parker (T), Penry, Perdue, Poole, Powell, Rich, Richardson, Rockhold, Sanderford, Sanderson, Smith (C), Smith (R), Spratt, Starkey, Turnham, Venable, Walker, White, Williams, Willis and Zoghby.

-68

MOTION TO SUSPEND RULES ADOPTED

On motion of Representative Ford, the rules were suspended in order to take up out of order the Budget Isolation Resolution and the bill, H. 115.

Yeas 22; Nays 1.

Yea:

Representatives Burke, Carothers, Carter, Ford, Gaines, Haney, Harvey, Haynes, Holladay, Johnson, Morrow, Morton, Parker (T), Petelos, Powell, Rich, Richardson, Sanderson, Smith (C), Smith (R), Spratt and Zoghby.

-22

Nay:

Representative Bugg.

- 1

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned, and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

BUDGET ISOLATION RESOLUTION

On motion of Representative Ford, the Budget Isolation Resolution relating to the bill, H. 115, was adopted.

Yeas 14; Nays 1.

Yea:

Representatives Curry, Ford, Gaines, Hammett, Haney, Millican, Morton, Petelos, Powell, Richardson, Rogers (F), Sanderson, Smith (R) and Spratt.

-14

Nay:

Representative Bugg.

- 1

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned, and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

And the bill:

H. 115. Relating to taxation in Etowah County; authorizing the Etowah County Commission to levy either a county gasoline tax not to exceed a certain amount that would remain in effect indefinitely or to levy a certain sales and use tax that would only be in effect from its imposition date until December 31, 1995, providing that whichever county tax is imposed shall be administered, enforced and collected as provided by law by the state revenue department under terms of contract with the county; providing for enforcement penalties; and providing that the proceeds of the revenue raised from whichever tax is so imposed shall be deposited in a special fund in the county treasury to be expended for construction and maintenance of a county jail and renovation of the existing county courthouse.

was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 2; Nays 1.

Yea:

Representatives Ford and Smith (R).

- 2

Nay:

Representative Bugg.

- 1

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned, and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

MESSAGE FROM THE GOVERNOR

To The House of Representatives of Alabama
Alabama State House
Montgomery, Alabama

Ladies and Gentlemen:

I transmit herewith to you a message from the Governor, returning House

Joint Resolution No. 7, without the Governor's signature and with a suggested Executive Amendment.

Done this 7th day of May, 1991.

Respectfully submitted,

H. WILLIAM WASDEN
Legal Advisor to the Governor

MESSAGE FROM THE GOVERNOR

To The House of Representatives of Alabama
Alabama State House
Montgomery, Alabama

Ladies and Gentlemen:

I am returning to you, the body in which it originated, House Joint Resolution No. 7, without my signature, but with the following suggested Executive Amendment:

EXECUTIVE AMENDMENT TO HOUSE JOINT RESOLUTION NO. 7:

Please amend House Joint Resolution No. 7 on page 1, line 9 by deleting the word "five" and inserting in lieu thereof the word "three."

The adoption of the above suggested Executive Amendment will remove my objections to this Bill.

Done on this the 7th day of May, 1991.

Respectfully,

GUY HUNT
Governor

GOVERNOR'S MESSAGE

On motion of Representative Turner, the House concurred in and adopted the amendment proposed by His Excellency, the Governor, to the resolution, H.J.R. 7, said Governor's amendment being set out in the foregoing Message from the Governor.

Yeas 59; Nays 24.

Yea:

Mr. Speaker, Anderson, Barnes, Black (L), Blakeney, Bowling, Box, Bryant, Bugg, Burke, Butler, Cagle, Campbell, Carns, Carter, Clark (W), Clay, Cosby, Crow, Curry, Drake, Ford, Freeman, Gaines, Gaston, Goodwin, Gullatt, Hammett, Haney, Harper, Harvey, Hawkins, Haynes, Hogan, Holmes, Hooper, Kvalheim, Mathis, McMillan, Mikell, Millican, Newton (D), Penry, Perdue, Rich, Richardson, Rogers (F), Rogers (J), Sanderford, Sanderson, Smith (R), Spratt, Starkey, Thomas, Turner, Walker, White, Willis and Zoghby.

-59

Nay:

Representatives Beasley, Biddle, Cullins, Fuller, Hamilton, Higginbotham, Hill, Holladay, Holley, Johnson, Knight, Laird, Morton, Newman, Newton (C), Parker (P), Parker (T), Payne, Petelos, Poole, Smith (C), Turnham, Venable and Warren.

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PERMISSION GRANTED

Permission was granted for the Journal to reflect that Representative Powell intended to vote "Nay" and Representatives McDaniel and Rockhold intended to vote "Yea" on adoption of the resolution, H.J.R. 7.

MOTION TO SUSPEND RULES LOST

The motion offered by Representative Cosby to suspend the rules in order to take up out of order the Budget Isolation Resolution and the bill, H. 478, was lost, lacking a four-fifths vote.

Yeas 45; Nays 27.

Yea:

Representatives Beasley, Black (M), Blakeney, Burke, Carns, Cosby, Cullins, Curry, Dolbare, Fuller, Gaston, Gullatt, Hamilton, Hammett, Haney, Harper, Hawkins, Haynes, Hill, Hogan, Holladay, Hooper, Johnson, Knight, Kvalheim, Laird, Layson, Mathis, McKee, McMillan, Mikell, Millican, Morton, Newton (C), Payne, Rich, Richardson, Rockhold, Smith (R), Turnham, Venable, Walker, Warren, Willis and Zoghby.

-45

Nay:

Representatives Barnes, Black (L), Bowling, Box, Bryant, Bugg, Buskey (JL), Campbell, Drake, Gaines, Grayson, Holmes, Kennedy, McClain, McDowell, Morrow, Newman, Newton (D), Parker (T), Perdue, Petelos, Poole, Powell, Rogers (J), Sanderson, Spratt and Thomas.

-27

MOTION TO SUSPEND RULES ADOPTED

On motion of Representative Richardson, the rules were suspended in order to take up out of order the Budget Isolation Resolution and the bill, H. 139.

BUDGET ISOLATION RESOLUTION

On motion of Representative Richardson, the Budget Isolation Resolution relating to the bill, H. 139, was adopted.

Yeas 53; Nays 0.

Yea:

Mr. Speaker, Anderson, Black (M), Bowling, Bryant, Burke, Cagle, Carns, Carter, Clay, Crow, Cullins, Curry, Drake, Ford, Gaston, Gullatt, Hamilton, Hammett, Haney, Higginbotham, Hill, Hogan, Holley, Knight, Layson, Mathis, McDaniel, McKee, McMillan, Mikell, Millican, Morrow, Morton, Newman, Parker (T), Payne, Penry, Powell, Rich, Richardson, Rockhold, Rogers (F), Sanderford, Smith (C), Smith (R), Spratt, Starkey, Turnham, Venable, Walker, Willis and Zoghby.

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And the bill:

H. 139. (With Substitute): Relating to Jackson County; providing further for the fees for the issuance of pistol permits; providing for the deposit of such fees in a fund known as the Sheriff's Law Enforcement Fund; and repealing Act No. 211, H. 854, 1971 Regular Session, (Acts 1971, p. 507).

was taken up.

The question was then on the adoption of the substitute reported by the Standing Committee on Local Legislation No. 1, said committee substitute being as follows:

**A BILL
TO BE ENTITLED
AN ACT**

Relating to Jackson County; providing further for the fees for the issuance of pistol permits; providing for the deposit of such fees in a fund known as the Sheriff's Law Enforcement Fund; and repealing Act No. 211, H. 854, 1971 Regular Session, (Acts 1971, p. 507).

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

Section 1. In Jackson County the fee for issuance of a permit to carry a pistol in a vehicle or concealed on or about the person as provided in Title 13A-11-75, Code of Alabama 1975, shall be an amount established by the county

commission not to exceed \$10.00, which shall be collected by the sheriff.

Section 2. Any and all monies collected under section 1 of this act shall be deposited by the sheriff of Jackson County in any bank located in Jackson County selected by the sheriff, into a fund known as the Sheriff's Law Enforcement Fund.

Section 3. The Sheriff's Law Enforcement Fund as provided in Section 2 of this act shall be drawn upon by the sheriff of Jackson County or his appointed agent and shall be exclusively for law enforcement purposes in the public's interest and in the discharge of the sheriff's office as the sheriff sees fit.

Section 4. The establishment of the Sheriff's Law Enforcement Fund as provided in this act and the use of such funds shall in no way diminish or take the place of any other imbursement or other source of income established for the sheriff or the operation of his office.

Section 5. All laws or parts of laws which conflict with this act are hereby repealed and specifically Act No. 211, H. 854, 1971 Regular Session, (Acts 1971, p. 507), is repealed.

Section 6. The provisions of this act are severable. If any part of this act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 7. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

SUBSTITUTE ADOPTED

And the substitute was adopted.

Yeas 46; Nays 0.

Yea:

Mr. Speaker, Anderson, Black (M), Bowling, Bryant, Burke, Cagle, Carter, Crow, Cullins, Curry, Ford, Gaines, Gaston, Hall, Hamilton, Hammett, Higginbotham, Hill, Hogan, Johnson, Knight, Layson, Mathis, McDaniel, McKee, McMillan, Morrow, Morton, Newman, Newton (C), Parker (P), Parker (T), Payne, Penry, Powell, Rich, Richardson, Rockhold, Sanderford, Smith (C), Turnham, Venable, Walker, Willis and Zoghby.

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PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned, and the Speaker directed the Clerk to ascertain if there was a quorum present.

7th Day

The Clerk reported that there was a quorum present.

And the bill, H. 139, as amended, was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 47; Nays 0.

Yea:

Mr. Speaker, Anderson, Black (M), Bowling, Bryant, Burke, Cagle, Carns, Carter, Crow, Curry, Ford, Fuller, Hamilton, Hammett, Haney, Hill, Hogan, Holladay, Holley, Johnson, Knight, Layson, Mathis, McKee, McMillan, Mikell, Morrow, Morton, Newman, Newton (C), Parker (P), Parker (T), Payne, Penry, Powell, Richardson, Rockhold, Sanderford, Smith (C), Smith (R), Starkey, Turnham, Venable, Walker, Willis and Zoghby.

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PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned, and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

**REPORT OF THE STANDING COMMITTEE
ON RULES ON ENROLLED AND ENGROSSED BILLS**

Mr. Speaker:

Your Standing Committee on Rules begs leave to report that said committee, in session, has compared the following engrossed bill with the original bill and finds same correctly engrossed, to-wit:

H. 311. To propose an amendment to the Constitution of Alabama of 1901; to authorize the operation of bingo games for prizes or money by certain nonprofit organizations for charitable or educational purposes in St. Clair County and to levy a fee on each bingo card sold and to provide for the distribution of the proceeds of said fee.

TOMMY CARTER
Chairman

And the bill, H. 311, as engrossed, was ordered sent to the Senate.

PERMISSION GRANTED

Permission was granted for the Journal to reflect that Representative Carothers intended to vote "Nay" on adoption of the resolution, H.J.R. 7.

RESOLUTIONS

The following resolutions were introduced:

By Representatives Harper, Zoghby, Rockhold, Turner, Kennedy, Box, Clark (W), Gaston, McMillan, Penry, Buskey (JE), Kvalheim, Anderson, Barnes, Beasley, Biddle, Black (L), Black (M), Blakeney, Bowling, Bryant, Bugg, Burke, Buskey (JL), Butler, Cagle, Campbell, Carns, Carothers, Carter, Clark (J), Clay, Cosby, Crow, Cullins, Curry, Dolbare, Drake, Escott-Russell, Flowers, Ford, Freeman, Fuller, Gaines, Goodwin, Grayson, Gullatt, Hall, Hamilton, Hammett, Haney, Harvey, Hawkins, Haynes, Higginbotham, Hill, Hogan, Holladay, Holley, Holmes, Hooper, Johnson, Knight, Laird, Layson, Letson, Lindsey, Mathis, McClain, McDaniel, McDowell, McKee, Melton, Mikell, Millican, Morrow, Morton, Newman, Newton (C), Newton (D), Parker (P), Parker (T), Payne, Perdue, Petelos, Poole, Powell, Rich, Richardson, Rogers (F), Rogers (J), Sanderford, Sanderson, Smith (C), Smith (R), Spratt, Starkey, Thomas, Turnham, Venable, Walker, Warren, White, Williams and Willis:

H.J.R. 131. MOURNING THE DEATH OF DONALD GENE PARMER OF MOBILE, ALABAMA.

WHEREAS, the Legislature of Alabama grievously records the lamentable and untimely death of Donald Gene Parmer of Mobile, Alabama, on April 27, 1991, at the age of 59 years; and

WHEREAS, a native and lifelong resident of the Mobile area, Mr. Parmer was a prominent businessman and civic leader who greatly contributed to the good of both his profession and the community; and

WHEREAS, Donald Parmer, founder and owner of Serenity Memorial Gardens and Funeral Home of Mobile, also was founder and owner of Lawn Haven Memorial Gardens and the Gulf Coast Vault Company; he was a member, past president and former longtime secretary-treasurer of the Association of Alabama Cemeteries, which, in 1990, selected Mr. Parmer as Cemeterian of the Year; and

WHEREAS, he further was a member of the Alabama Funeral Directors Association and was instrumental in the establishment of the Allied Cemetery and Funeral Assurance Group, a consumer protection association of Alabama firms dealing in advance-of-needs cemetery and funeral home arrangements; and

WHEREAS, in addition to his many professional and business-related responsibilities, Mr. Parmer extended his activities to include civic and community leadership through participation in legislative affairs; as a member of the Mobile County Judicial Committee; and as a member and supporter of numerous civic organizations, including the Greater Mobile Area, Tillman's Corner and Bayou La Batre Chambers of Commerce; and

WHEREAS, in the death of Donald G. Parmer, the Mobile Area citizens and those of our state have indeed suffered a deep and grievous loss; his many

contributions to their communities, however, stand as a lasting tribute to his lifetime of commitment in service to others; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we are deeply saddened by the death of Donald Gene Parmer of Mobile, Alabama, and extend deepest sympathy to his wife, Mrs. Sue Parmer; his son, Donald G. Parmer, Jr.; mother, Mrs. Etna Parmer Raymond; sister, Mrs. Glenda Bullard; to his stepsons, Duane and Mark McGowin; and to other family members, whose sorrow we sincerely share and for whom a copy of this resolution shall be provided.

On motion of Representative Harper, the rules were suspended and the resolution, H.J.R. 131, was adopted.

Also:

By Rules Committee:

H.R. 132. BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES; That immediately upon the adoption of this resolution, the following business, in the order set forth below, shall be the special and paramount order of business for the 7th legislative day, Tuesday, May 7, 1991, taking precedence over the regular order of business, or any pending or unfinished business:

Report of standing committees

Introduction of bills and resolutions

Uncontested local bills

Unfinished business

And the following bills:

Inst Id	Page
<u>H. 366</u> - By Petelos (As Amended and Substituted)	48
Birmingham, dog racing auth. at horse track, referendum, Secs. 11-65-1 thru 11-65-47 am'd.	
<u>H. 367</u> - By Hooper	39
State Industrial Development Authority, auth. to issue bonds for site preparation for cert. business	
<u>H. 466</u> - By Dolbare	67
Mowa Choctaw Housing Authority, bd. membership, duties and powers, Secs. 24-7-2, 24-7-3 am'd.	

H. 11 - By Carter

34

John C. Calhoun State Community College and Athens State College, administrations separated and re-established, presidents and operations further provided, Act 81-153, Reg. Sess. 1981 repealed

H. 289 - By Carothers

4

AIDS testing, consent req.

H. 66 - By Butler

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Military leave, benefits extended beyond 21-day period, Sec. 31-2-13 am'd.

On motion of Representative Carter, the resolution, H.R. 132, was adopted.

Yeas 57; Nays 19.

Yea:

Mr. Speaker, Anderson, Barnes, Beasley, Black (M), Bowling, Box, Bryant, Bugg, Burke, Buskey (JL), Butler, Campbell, Carns, Carothers, Carter, Cosby, Cullins, Curry, Ford, Freeman, Fuller, Gaines, Gaston, Hall, Hammett, Hawkins, Haynes, Higginbotham, Holladay, Hooper, Kennedy, Mathis, McClain, McDowell, Millican, Morrow, Morton, Newman, Newton (C), Parker (P), Parker (T), Penry, Petelos, Powell, Rockhold, Rogers (F), Rogers (J), Sanderford, Sanderson, Smith (C), Spratt, Starkey, Turnham, Warren, Willis and Zoghby.

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Nay:

Representatives Biddle, Black (L), Cagle, Clay, Crow, Drake, Grayson, Holley, Knight, McDaniel, McKee, McMillan, Mikell, Payne, Poole, Rich, Smith (R), Walker and Williams.

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MESSAGE FROM THE SENATE

Mr. Speaker:

The President and Presiding Officer of the Senate having signed the following Senate Joint Resolutions, your signature thereto is requested:

S.J.R. 55. COMMENDING TOM C. COBURN OF TUSCUMBIA FOR DISTINGUISHED SERVICE TO THE LEGISLATURE AND THE STATE OF ALABAMA.

Also:

S.J.R. 57. PROVIDING FOR THE PLACEMENT OF DIRECTIONAL SIGNS TO TALLADEGA NATIONAL FOREST AND TALLADEGA SCENIC BY-PASS AT THE HIGHWAY 9 AND HIGHWAY 46 EXITS OF I-20 IN CLEBURNE, COUNTY.

MCDOWELL LEE
Secretary

SIGNING OF SENATE JOINT RESOLUTIONS

The Speaker of the House, in the presence of the House, immediately after the titles had been publicly read by the Clerk, the reading at length having been dispensed with by a two-thirds vote of a quorum present, signed the Senate Joint Resolutions, the titles of which are set out in the foregoing Message from the Senate.

RESOLUTIONS

The following resolutions were introduced and distributed according to Joint Rule 11:

By Representative Dolbare:

H.R. 133. COMMENDING MIRKERLINE TALLEY FOR OUTSTANDING SERVICE TO THE CLARKE COUNTY BOARD OF EDUCATION.

Also:

By Representative Dolbare:

H.R. 134. COMMENDING EARL HORN FOR OUTSTANDING SERVICE TO THE CLARKE COUNTY BOARD OF EDUCATION.

Also:

By Representative Dolbare:

H.R. 135. COMMENDING GLADYS GORDON LEE FOR OUTSTANDING SERVICE TO THE CLARKE COUNTY BOARD OF EDUCATION.

Also:

By Representative Dolbare:

H.R. 136. COMMENDING MATTIE ALLEN FOR OUTSTANDING SERVICE TO THE CLARKE COUNTY BOARD OF EDUCATION.

Also:

By Representative Dolbare:

H.R. 137. COMMENDING BARBARA DAFFIN FOR OUTSTANDING SERVICE TO THE CLARKE COUNTY BOARD OF EDUCATION.

SPECIAL ORDER CALENDAR

The House then proceeded with the consideration of the Special Order Calendar.

MOTION TO ADOPT BUDGET ISOLATION RESOLUTION OFFERED

Representative Petelos offered the motion to adopt the Budget Isolation Resolution relating to the bill, H. 366.

SUBSTITUTE MOTION TO CARRY OVER TABLED

On motion of Representative Petelos, the substitute motion offered by Representative Payne to carry over the Budget Isolation Resolution and the bill, H. 366, to the tenth legislative day, was tabled.

Yeas 33; Nays 21.

Yea:

Mr. Speaker, Anderson, Barnes, Beasley, Bowling, Bryant, Burke, Buskey (JL), Cagle, Campbell, Carothers, Carter, Cosby, Cullins, Curry, Ford, Hammett, Harvey, Hawkins, Haynes, Higginbotham, Holmes, Hooper, Kvalheim, Mathis, McClain, Morrow, Newman, Newton (D), Rogers (F), Rogers (J), Spratt and Turner.

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Nay:

Representatives Biddle, Black (L), Carns, Clay, Crow, Drake, Grayson, Hamilton, Hogan, Holley, Laird, Layson, McKee, McMillan, Morton, Newton (C), Payne, Poole, Rich, Smith (C) and Willis.

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BUDGET ISOLATION RESOLUTION ADOPTED

The question was then on the motion offered by Representative Petelos to adopt the Budget Isolation Resolution relating to the bill, H. 366, and the motion was adopted.

Yeas 42; Nays 22.

Yea:

Mr. Speaker, Anderson, Biddle, Black (M), Box, Bryant, Bugg, Burke, Buskey (JL), Cagle, Campbell, Carothers, Carter, Cosby, Cullins, Curry, Ford, Freeman, Gaston, Hall, Hammett, Harvey, Hawkins, Haynes, Holmes, Hooper, Kvalheim, Mathis, McClain, McDowell, Millican, Morrow, Morton, Newman, Penry, Petelos, Powell, Rogers (F), Rogers (J), Spratt, Thomas and Turner.

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Nay:

Representatives Beasley, Black (L), Carns, Clay, Crow, Drake, Grayson, Hamilton, Hogan, Holley, Laird, Layson, McDaniel, McKee, McMillan, Newton (C), Payne, Poole, Rich, Smith (C), Smith (R) and Willis.

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And the bill:

H. 366. (With Substitute) (With Amendments): To amend Chapter 65 of Title 11 of the Code of Alabama 1975, which relates to horse racing and pari-mutuel wagering thereon in Class 1 municipalities, for the following purposes: to make certain legislative findings concerning the experience of the state's only Class 1 municipality with horse racing and pari-mutuel wagering thereon and the economic desirability of authorizing greyhound racing and pari-mutuel wagering thereon in a Class 1 municipality (now defined by statute to be a city with a population of 300,000 inhabitants or more as certified by the 1970 decennial census); to define the particular terms to be used in said Chapter 65 as amended by this act; to authorize a Class 1 municipality (the "sponsoring municipality") to incorporate a racing commission with power to license and regulate horse racing and pari-mutuel wagering thereon or greyhound racing and pari-mutuel wagering thereon or both; to provide that a racing commission incorporated pursuant to said Chapter 65 will be subject to the jurisdiction of the state ethics commission; to define a host county for a racing commission as the county in which a majority of the residents of the sponsoring municipality reside and to provide that a racing commission incorporated for a sponsoring municipality will have power to license and regulate racing and wagering activities only in the part of such sponsoring municipality that is located in the host county; to provide for elections in the host county to authorize the incorporation of a racing commission and to determine the powers thereof; to amend said Chapter 65 concerning the appointment of certain members of a racing commission and the appointment of deputy members by certain members; to provide alternative arrangements for the appointment of the treasurer of a commission; to amend said Chapter 65 concerning the powers and duties of a racing commission and to impose certain limitations on such powers and duties respecting the confidentiality of information pertaining to a licensed operator and the rights of such operator to conduct its business under the supervision of the commission; to provide conditions relating to the award and use of licenses for horse racing, greyhound racing and pari-mutuel wagering thereon; to authorize retroactively and ratify the action of an existing racing commission in

entering into a contract to grant a prospective licensee a license for greyhound racing and pari-mutuel wagering thereon prior to the legislative enactment of the commission's authority to grant such license; to modify the provisions of said Chapter 65 respecting a license to own or use a horse racing facility; to modify the application and review procedure for granting an operator's license to reflect the additional power and duty of a commission to license and regulate greyhound racing and pari-mutuel wagering thereon; to modify the terms of an operator's license concerning its periodic review and revocation, the allowance of successive three year renewal terms after the initial term of 20 years, and the scheduling and conducting of licensed activities; to modify the ownership requirements applicable to holders of horse racing facility licenses and holders of operator's licenses to conduct horse racing or greyhound racing; to modify the procedure of a commission for reviewing and granting permits for persons to work at a racing facility; to provide for judges for greyhound racing and to modify the appointment procedure for stewards for horse racing; to authorize and provide rules for the conduct of pari-mutuel wagering on greyhound racing events; to specify the minimum proportionate amounts of the deposits to pari-mutuel pools for greyhound racing that are to be distributed to the holders of winning pari-mutuel tickets; to provide for the payment of license fees for pari-mutuel wagering on greyhound racing by each licensed operator to the racing commission licensing such operator and to specify the methods for determining the amounts of such fees and the schedule on which such fees shall be payable; to provide for a greyhound racing operator to hold commission racing days in each calendar year with the profits therefrom to go to the commission or charitable organizations designated by the commission; to provide that horse racing or greyhound racing events conducted outside the sponsoring municipality may be televised to a racing facility under the jurisdiction of a commission and made the subject of pari-mutuel wagering for which the pari-mutuel pools may include both bettors placing their bets at the racing facility under the jurisdiction of a commission and bettors placing their bets at other locations in the state or in other states; to provide that horse racing or greyhound racing events conducted at a racing facility under the jurisdiction of a commission may be televised to other locations in the state or in other states and made the subject of pari-mutuel wagering for which the pari-mutuel pools may include both bettors placing their bets at the racing facility under the jurisdiction of a commission and bettors placing their bets at other locations to which such racing events are televised; to modify the purposes for which the net revenues of a racing commission remaining after the payment of its expenses are to be applied and to provide for the disbursement of such net revenues for such purposes; to modify the prohibitions of said Chapter 65 against certain activities so as to make such prohibitions applicable to greyhound racing and pari-mutuel wagering thereon; to modify the penalties for certain prohibited activities concerning racing and pari-mutuel wagering; in the event that a state racing commission shall be established at any time, to provide in such event that any racing commission created under said Chapter 65 and its license for both horse racing and greyhound racing shall be exempt from the jurisdiction of such state racing commission and from all laws providing for or relating to such state racing commission; to provide that the provisions of said Chapter 65 as modified by the act shall be severable; and to provide for such other matters as are necessary to authorize, regulate, license, administer and supervise both horse racing and pari-mutuel wagering thereon and greyhound racing and pari-mutuel wagering thereon in Class 1 municipalities.

was taken up.

The question was then on the adoption of the substitute reported by the Standing Committee on Tourism, Entertainment and Sports, said committee substitute being as follows:

A BILL
TO BE ENTITLED
AN ACT

To amend Chapter 65 of Title 11 of the Code of Alabama 1975, which relates to horse racing and pari-mutuel wagering thereon in Class 1 municipalities, for the following purposes: to make certain legislative findings concerning the experience of the state's only Class 1 municipality with horse racing and pari-mutuel wagering thereon and the economic desirability of authorizing greyhound racing and pari-mutuel wagering thereon in a Class 1 municipality (now defined by statute to be a city with a population of 300,000 inhabitants or more as certified by the 1970 decennial census); to define the particular terms to be used in said Chapter 65 as amended by this act; to authorize a Class 1 municipality (the "sponsoring municipality") to incorporate a racing commission with power to license and regulate horse racing and pari-mutuel wagering thereon or greyhound racing and pari-mutuel wagering thereon or both; to provide that a racing commission incorporated pursuant to said Chapter 65 will be subject to the jurisdiction of the state ethics commission; to define a host county for a racing commission as the county in which a majority of the residents of the sponsoring municipality reside and to provide that a racing commission incorporated for a sponsoring municipality will have power to license and regulate racing and wagering activities only in the part of such sponsoring municipality that is located in the host county; to provide for elections in the host county to authorize the incorporation of a racing commission and to determine the powers thereof; to amend said Chapter 65 concerning the appointment of certain members of a racing commission and the appointment of deputy members by certain members; to provide alternative arrangements for the appointment of the treasurer of a commission; to amend said Chapter 65 concerning the powers and duties of a racing commission and to impose certain limitations on such powers and duties respecting the confidentiality of information pertaining to a licensed operator and the rights of such operator to conduct its business under the supervision of the commission; to provide conditions relating to the award and use of licenses for horse racing, greyhound racing and pari-mutuel wagering thereon; to authorize retroactively and ratify the action of an existing racing commission in entering into a contract to grant a prospective licensee a license for greyhound racing and pari-mutuel wagering thereon prior to the legislative enactment of the commission's authority to grant such license; to modify the provisions of said Chapter 65 respecting a license to own or use a horse racing facility; to modify the application and review procedure for granting an operator's license to reflect the additional power and duty of a commission to license and regulate greyhound racing and pari-mutuel wagering thereon; to modify the terms of an operator's license concerning its periodic review and revocation, the allowance of successive three year renewal terms after the initial term of 20 years, and the scheduling and conducting of licensed activities; to modify the ownership requirements applicable to holders of horse racing facility licenses and holders of operator's licenses to

conduct horse racing or greyhound racing; to modify the procedure of a commission for reviewing and granting permits for persons to work at a racing facility; to provide for judges for greyhound racing and to modify the appointment procedure for stewards for horse racing; to authorize and provide rules for the conduct of pari-mutuel wagering on greyhound racing events; to specify the minimum proportionate amounts of the deposits to pari-mutuel pools for greyhound racing that are to be distributed to the holders of winning pari-mutuel tickets; to provide for the payment of license fees for pari-mutuel wagering on greyhound racing by each licensed operator to the racing commission licensing such operator and to specify the methods for determining the amounts of such fees and the schedule on which such fees shall be payable; to provide for a greyhound racing operator to hold commission racing days in each calendar year with the profits therefrom to go to the commission or charitable organizations designated by the commission; to provide that horse racing or greyhound racing events conducted outside the sponsoring municipality may be televised to a racing facility under the jurisdiction of a commission and made the subject of pari-mutuel wagering for which the pari-mutuel pools may include both bettors placing their bets at the racing facility under the jurisdiction of a commission and bettors placing their bets at other locations in the state or in other states; to provide that horse racing or greyhound racing events conducted at a racing facility under the jurisdiction of a commission may be televised to other locations in the state or in other states and made the subject of pari-mutuel wagering for which the pari-mutuel pools may include both bettors placing their bets at the racing facility under the jurisdiction of a commission and bettors placing their bets at other locations to which such racing events are televised; to modify the purposes for which the net revenues of a racing commission remaining after the payment of its expenses are to be applied and to provide for the disbursement of such net revenues for such purposes; to modify the prohibitions of said Chapter 65 against certain activities so as to make such prohibitions applicable to greyhound racing and pari-mutuel wagering thereon; to modify the penalties for certain prohibited activities concerning racing and pari-mutuel wagering; in the event that a state racing commission shall be established at any time, to provide in such event that any racing commission created under said Chapter 65 and its licensees for both horse racing and greyhound racing shall be exempt from the jurisdiction of such state racing commission and from all laws providing for or relating to such state racing commission; to provide that the provisions of said Chapter 65 as modified by the act shall be severable; and to provide for such other matters as are necessary to authorize, regulate, license, administer and supervise both horse racing and pari-mutuel wagering thereon and greyhound racing and pari-mutuel wagering thereon in Class 1 municipalities.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

Section 1. Legislative Declarations and Findings. Section 11-65-1, Code of Alabama 1975, is hereby amended to read as follows:

"§11-65-1. Legislative declarations and findings.

The legislature hereby finds and declares as follows:

(a) It is hereby found and declared as follows: The As the basis for enacting

7th Day

Act No. 84-131, the legislature found and determined that the conduct within Class 1 municipalities in the state of horse racing events and pari-mutuel wagering thereon will generate additional revenues for governmental and charitable purposes, provide additional jobs for the residents of the state and benefit the businesses related to tourism and recreation within any such municipality and throughout the surrounding areas of the state; it is desirable to permit the qualified voters of any Class 1 municipality to determine through referendum whether horse racing and pari-mutuel wagering thereon will be permitted in such municipality; and for each Class 1 municipality in which horse racing is approved by the voters thereof, it is necessary and desirable to provide for the establishment of a racing commission to regulate horse racing and pari-mutuel wagering thereon within such municipality and to administer and enforce the provisions of this chapter said Act No. 84-131.

(b) In the course of enacting Act No. 84-131, the legislature added a requirement that horse racing and pari-mutuel wagering thereon in any Class 1 municipality (the "sponsoring municipality") must be authorized by an election conducted in such municipality and in the county or counties in which such municipality, or any part thereof, is located and that in such election the authorization of horse racing and pari-mutuel wagering thereon must be approved by both (i) a majority of all the voters casting votes in such election and (ii) a majority of the voters casting votes in such election who reside in the sponsoring municipality. Act No. 84-131 provided that the county in which any sponsoring municipality is located would be the "host county", and in the event that a sponsoring municipality is located in more than one county, the host county would be the county in which the largest number of residents of the sponsoring municipality reside. At the time of the enactment of Act No. 84-131, the City of Birmingham was the only Class 1 municipality in the state and, as of the date of these legislative findings, it continues to be the only Class 1 municipality in the state.

(c) As the result of a favorable election held in the City of Birmingham and Jefferson County in 1984, The Birmingham Racing Commission was incorporated in that year pursuant to Act No. 84-131 for the City of Birmingham. At the time of such election, the City of Birmingham was located solely within the boundaries of Jefferson County, and the authorizing election for horse racing and pari-mutuel wagering thereon was held only in Jefferson County. Subsequent to such election and the incorporation of The Birmingham Racing Commission, the City of Birmingham annexed territory located in a county other than Jefferson County, but no election has ever been held in such county authorizing The Birmingham Racing Commission to license and regulate horse racing and pari-mutuel wagering thereon in that part of the City of Birmingham located in such county, and no provision was made in Act No. 84-131 for holding such an election after the incorporation of The Birmingham Racing Commission. As a consequence of these circumstances, horse racing and pari-mutuel wagering thereon is legal only for that part of the City of Birmingham located in Jefferson County, which is the host county of the city for purposes of Act No. 84-131 because, among the counties in which any part of the city is located, it is the county in which the largest number of the residents of the city reside, as determined by the most recent federal decennial census. Although this chapter and amendments thereto constitute general laws applicable to Class 1 municipalities, as of the date of these legislative findings, this chapter applies only to the City of Birmingham, as the sole Class 1

municipality, and notice of the intention to apply for the enactment of this chapter or amendments thereto must be published in accordance with section 106 of the Constitution of Alabama, as amended, in the county or counties where the matter or thing to be affected may be situated. As of the date of these legislative findings, the matters or things to be affected by this chapter, as amended, are horse racing and pari-mutuel wagering thereon and greyhound racing and pari-mutuel wagering thereon under the jurisdiction of The Birmingham Racing Commission, which activities, and the elections to authorize the same, shall be confined to the single host county of the Class 1 municipality to which this chapter applies. As of the date of these legislative findings, said host county is the only county in which notice of the intention to apply for enactment of amendments to this chapter is required to be published in accordance with section 106 of the Constitution of Alabama.

(d) Pursuant to Act No. 84-131, The Birmingham Racing Commission issued an owner's license for the ownership of a horse racing facility located in both the City of Birmingham and Jefferson County, and an operator's license to conduct horse racing and pari-mutuel wagering thereon at such racing facility. The holders of such licenses, together with related business entities, made a capital investment of more than \$60,000,000 in order to provide a facility for horse racing, and the City of Birmingham and other local governmental entities additionally expended more than \$10,000,000 to provide roads, sewers and other public improvements necessary for the use of such facility.

(e) Although Act No. 84-131, as initially enacted, provided that a commission could grant an owner's or operator's license for horse racing only to an entity which was entirely owned, either directly or indirectly, by natural persons who had been residents of the state for a period of five years next preceding the date of application for such licenses, the legislature in 1987, the first year that horse racing was conducted under licenses from The Birmingham Racing Commission, enacted Act No. 87-615 to liberalize the Alabama residence requirements and thereby permit the horse racing licensees to obtain additional investment capital from out-of-state sources. The economic failure of horse racing in the City of Birmingham, together with the consequent need of the horse racing licensees for additional capital, became readily apparent soon after the commencement of horse racing. The enactment of Act No. 87-615 constituted a remedial response of the legislature to that problem.

(f) The horse racing licensees of The Birmingham Racing Commission were unsuccessful in their efforts to obtain additional financing in the needed amount, and, after reporting operating losses of more than \$16,000,000 in 1987, these licensees were unable to continue horse racing in 1988. On August 29, 1988, the horse racing licensees filed petitions for relief under the United States Bankruptcy Code in the United States Bankruptcy Court for the Northern District of Alabama (the "bankruptcy court"), which court, as of the date of these legislative findings, retains jurisdiction over their affairs.

(g) Despite the effort of The Birmingham Racing Commission to revoke the operator's license for horse racing originally granted by that commission, the bankruptcy court has determined such license to be property of the bankruptcy estate of the horse racing licensees and has enjoined the revocation of such license.

In 1989, the bankruptcy court approved a plan of reorganization which provided for the management of the Birmingham racing facility by a company having national experience in the management of pari-mutuel racing facilities and for the funding by such company of operating expenses necessary to conduct horse racing. As part of the plan of such reorganization and pursuant to order by the bankruptcy court, The Birmingham Racing Commission permitted such company to conduct horse racing through an arrangement making use of the original horse racing licenses granted by the commission. Horse racing was conducted in Birmingham during 1989 and 1990 pursuant to the aforesaid plan of reorganization, but the management company has reported that its efforts to continue horse racing under that plan have resulted in losses of more than \$6,500,000. As a consequence of such losses and the demonstrated lack of financial viability for horse racing in Birmingham, said management company has declined to make additional payments under the plan of reorganization, thereby allowing the banks that hold the first mortgage on the racing facility to foreclose such mortgage and to terminate further operation under the plan of reorganization.

(h) As a consequence of the original plan of reorganization being no longer viable, the horse racing licensees of The Birmingham Racing Commission have filed with the bankruptcy court, and the bankruptcy court has confirmed, a modified plan of reorganization which is based on the premise that horse racing alone cannot be conducted with economic success at the Birmingham racing facility and that the relatively lower operating costs of greyhound racing, together with the greater interest of the public in pari-mutuel wagering on greyhound racing, will enable the Birmingham racing facility to be reopened and successfully operated as a greyhound racing facility. The implementation of the modified plan is subject to the condition, among others, that all actions will be successfully completed that are necessary for greyhound racing and pari-mutuel wagering thereon to become lawful under the jurisdiction of The Birmingham Racing Commission, including (i) the enactment into law of authorizing legislation and (ii) the approval of greyhound racing and pari-mutuel wagering thereon by the voters in any referendum required by such legislation. In anticipation of legislative authorization to license and regulate greyhound racing and as a consequence of the outstanding horse racing licenses being subject to the jurisdiction of the bankruptcy court, The Birmingham Racing Commission has entered into an agreement with the participants in the modified plan of reorganization to issue licenses for both horse racing and greyhound racing to the company which, under the modified plan of reorganization, will have the right to conduct both horse racing and greyhound racing and pari-mutuel wagering thereon at the Birmingham racing facility, subject, however, to the conditions that (i) the award to such company of a license to conduct greyhound racing and pari-mutuel wagering thereon shall comply with all conditions prescribed by the authorizing legislation and (ii) the agreement to award such license shall be enforceable only if and to the extent that the legislature, in the authorizing legislation, shall have retroactively authorized The Birmingham Racing Commission to enter into such agreement.

(i) Gambling in general and the promotion thereof are prohibited in the state by provisions of the Alabama Criminal Code, Article 2, Chapter 12, Title 13A, Code of Alabama 1975, but the legislature has reserved in Section 13A-12-31 the right to enact local statutes, or general statutes applying to one or more

municipalities in a class less than the whole of the state, that exempt pari-mutuel wagering at race meetings from the general prohibition of the Alabama Criminal Code. Pursuant to such localized legislative authority, the legislature has for the last 20 years pursued a policy of enacting legislation to authorize greyhound racing and pari-mutuel wagering thereon only in (i) an area with substantial tourist appeal (Mobile County) where greyhound racing was available nearby as a competing attraction in another state and (ii) poor rural counties with high unemployment where greyhound racing would provide economic stimulus and needed tax revenues. Moreover, recognizing that pari-mutuel wagering at race meetings is a regulated business which can succeed financially and recover the substantial capital investment required therefor only if protected from geographically proximate competition, the legislature has heretofore enacted legislation authorizing pari-mutuel wagering at facilities located only in widely separated areas of the state.

(j) The legislature has heretofore authorized horse racing and pari-mutuel wagering thereon only in a Class 1 municipality because the size and cost of horse racing facilities, the magnitude of public attendance required for the successful operation of such facilities, and the scope of public improvements and accommodations necessary to serve such facilities could best be provided by a Class 1 municipality and its surrounding area. The legislature has heretofore been reluctant to authorize greyhound racing and pari-mutuel wagering thereon for Class 1 municipalities because it was believed that such activities would produce relatively greater economic benefit if reserved for other areas of the state that needed the particular kind of economic stimulus provided thereby.

(k) On the basis of the experience of The Birmingham Racing Commission and its horse racing licensees with the continuing economic failure of horse racing, the legislature now finds and determines that greyhound racing and pari-mutuel wagering thereon, as a separate activity or in conjunction with horse racing and pari-mutuel wagering thereon at the same racing facilities, must be made available to Class 1 municipalities if the economic objectives and public purposes of Act No. 84-131, as stated in the original legislative declarations and findings therefor, are to be realized. There is ample evidence and experience to support the conclusion that the lower purse structure and other operating costs of greyhound racing, the opportunity to schedule more racing events during a daily performance, and the greater interest and participation of that portion of the general public inclined to engage in pari-mutuel wagering, together with other differences related to the nature and amount of wagering, will promise greater economic success for greyhound racing in Class 1 municipalities than the City of Birmingham has heretofore been able to achieve with horse racing alone.

(l) It is therefore necessary and desirable, and in the best interest of the state and the people resident in Class 1 municipalities and the host county of each thereof, that commissions organized under this chapter be given the additional power to license and regulate greyhound racing and pari-mutuel wagering thereon for the purpose of enabling The Birmingham Racing Commission to participate fully in the implementation of the modified plan of reorganization that is pending before the bankruptcy court as of the date of these legislative findings and for the further purpose of enabling the City of Birmingham and any other Class 1 municipality to succeed in future efforts to stimulate economic development and generate

additional public revenues through pari-mutuel wagering on greyhound racing or horse racing or both.

(m) It is further necessary and desirable (i) to permit the qualified voters of the host county of any Class 1 municipality and the qualified voters of such municipality who reside in the host county to determine by an election whether a commission shall be incorporated for such municipality and whether pari-mutuel wagering on horse racing or greyhound racing or both shall be authorized in such municipality, and (ii) in the case of any Class 1 municipality for which the incorporation of a commission and pari-mutuel wagering on either horse racing or greyhound racing, but not both, has been previously approved by an election of the qualified voters of such municipality and the host county, to permit such voters to determine whether the additional activity of pari-mutuel wagering on horse racing or greyhound racing, as the case may be, shall be authorized in that part of such municipality located in the host county."

Section 2. Definitions. Section 11-65-2, Code of Alabama 1975, is hereby amended to read as follows:

"§11-65-2. Definitions.

(a) The following words and phrases used in this chapter, and others evidently intended as the equivalent thereof, shall, unless the context clearly indicates otherwise, have the following respective meanings herein:

(1) ~~ALABAMA-BRED.~~ When ~~this term is~~ used with reference to a ~~thoroughbred horse or a standardbred~~ horse, it means a horse which is registered in the registry designated and administered by a commission in accordance with such rules concerning domicile and registration requirements as may be established by such commission and which is either (i) foaled from a mare domiciled in the state during the ~~ten~~ seven-year period beginning with ~~January 1, 1991~~ April 5, 1984, or (ii) sired by an Alabama stallion and foaled from a mare domiciled in the state at any time after the expiration of such ~~ten~~ seven-year period.

(2) ~~ALABAMA STALLION.~~ When ~~used with reference to a thoroughbred stallion or a standardbred stallion,~~ means a A stallion which is standing in the state at the time he is bred to the dam of an Alabama-bred horse, which is registered with a commission, and which is ~~alternatively (i) owned or leased by a resident of the state, and standing the entire stud season in the state, (ii) owned by a resident of another state but standing the entire stud season in the state and leased by a resident of the state for a term of not less than two years or (iii) owned jointly by a resident of the state together with a resident of another state and leased by a resident of the state for a term of not less than two years.~~ For purposes of this definition, a resident of the state may be any one of the following: (i) a natural person whose principal residence is located in the state; (ii) a natural person who does not maintain his or her principal residence in the state but who personally owns, singly or jointly with his or her spouse, real property located in the state that has an original cost to such person or a current fair market value of not less than \$100,000.00; or (iii) a corporation or partnership which has its principal place of business in the state

~~and more than 50 percent of the stock or other ownership interest in which is owned by natural persons described in items (i) or (ii) of this sentence. The~~ the commission with which any Alabama stallion may be registered shall have the power to prescribe rules and regulations governing ~~the manner by which the qualifications of a resident of residence in the state for the owner or lessor of such stallion and the manner by which such qualifications shall be confirmed to such the commission for purposes of this definition.~~

(3) **BREAKAGE.** The odd cents by which the amount payable on each dollar wagered exceeds a multiple of 10 cents.

(4) **BREEDER.** The owner of a mare at the time such mare gives birth to an Alabama-bred ~~thoroughbred or standardbred~~ foal.

(5) **BREEDING FUND.** A special fund established by a commission pursuant to the provisions of section 11-65-34 and any applicable rules and regulations of such commission for the purpose of promoting the breeding, raising and racing of ~~thoroughbred or standardbred~~ horses in the state.

(6) **BREEDING FUND FEE.** A fee payable to a commission by ~~an~~ a horse racing operator pursuant to section 11-65-34 for deposit into the breeding fund established by such commission.

(7) **COMMISSION.** Any public corporation organized pursuant to the provisions of this chapter.

(8) **COMMISSION GREYHOUND WAGERING FEE.** The license fee payable to a commission by a greyhound racing operator for a particular calendar year, the amount and payment schedule of which are to be determined in accordance with the provisions of section 11-65-30.

(9)(8) **COMMISSION HORSE WAGERING FEE.** A The license fee payable to a commission by ~~an~~ a horse racing operator for a particular calendar year, the amount and payment schedule of which are to be determined in accordance with the provisions of section 11-65-30 hereof.

(10) **COMMISSION MUNICIPAL JURISDICTION.** The territory of a sponsoring municipality that is located within the boundaries of the host county.

(11)(9) **DISQUALIFIED PERSON.** Any of the following shall constitute disqualified persons:

a. Any person who has ever been found guilty in a court of competent jurisdiction of any corrupt or fraudulent act, practice or conduct in connection with horse or dog racing or any activity involving legal gambling in any state of the United States of America or any other country, or any person who has ever had a license or permit to participate in horse or dog racing or in any activity involving legal gambling denied for just cause, suspended or revoked in any state of the United States of America or in any other country; or

b. Any person who has ever been found guilty in a court of competent jurisdiction of a felony involving moral turpitude, or who has ever been the subject of injunctive or disciplinary action by any federal or state court or regulatory body charged with protecting the public against fraudulent or illegal conduct; or

c. Any person who has ever been indicted by three separate grand juries for any felony or misdemeanor involving moral turpitude, even though such indictments did not result in a conviction; or

d. Any person who has ever been made a principal subject, either singly or in conjunction with others, of investigations by either federal or state law enforcement agencies into activities that violate federal or state laws against criminal conspiracy, racketeering, illegal gambling and other activities associated with organized crime, provided that no person shall be deemed to be a disqualified person because of any such investigations unless they have involved at least three geographically distinct or factually different instances of illegal conduct, or unless they provide convincing grounds, based upon the seriousness and number of alleged offenses, for believing that the person in question has been actively and systematically involved in organized crime and racketeering with one or more persons previously indicted for or convicted of crimes involving moral turpitude; or

e. Any person if a commission determines that, for any reason, it is not in the best interests of the people of the state, the host county or the sponsoring municipality for such person to own an interest in an a horse racing facility licensee owner or an operator, or any person if the circuit court of the host county determines, pursuant to a proceeding instituted by the district attorney of the host county under the provisions of section 11-65-22, that, for any reason, it is not in the best interests of the people of the state, the host county or the sponsoring municipality for such person to own an interest in an a horse racing facility licensee owner or an operator, provided that any such determination, whether made by the commission or the circuit court, is made pursuant to a hearing of the commission or circuit court, as the case may be, of which such person has notice and an opportunity to be heard; or

f. Any person who owns, directly or indirectly, or holds five percent or more of

1. The combined voting power of all classes of stock entitled to vote or the total value of shares of all classes of stock of a corporation, or

2. The capital interest or the profits interest of a partnership, or

3. The beneficial interest of a trust, estate or other unincorporated entity, enterprise and who, if such person were a natural person, would be if such corporation, partnership, trust, estate or unincorporated entity, as the case may be, is a person described in any

of the foregoing subparagraphs a through e, inclusive; or

g. The brother or sister, niece or nephew, spouse, ancestor, lineal descendent, or any spouse or former spouse of any person described in the foregoing subparagraphs a through f, inclusive; or

h. A corporation, partnership, trust, ~~or estate~~ or other unincorporated entity of which (or in which) five percent or more of

1. The combined voting power of all classes of stock entitled to vote or the total value of shares of all classes of stock of such corporation, or

2. The capital interest or profits interest of such partnership, or

3. The beneficial interest of such trust, ~~or estate~~ or other unincorporated entity is owned, directly or indirectly, or held by one or more persons described in any of the foregoing subparagraphs a through g, inclusive; or

i. Any person who owns, directly or indirectly, or holds five percent or more of

1. The combined voting power of all classes of stock entitled to vote or the total value of shares of all classes of stock of any corporation that is described in any of the foregoing subparagraphs a through h, inclusive, or

2. The capital interest or profits interest of any partnership that is described in any of the foregoing subparagraphs a through h, inclusive, or

3. The beneficial interest of any trust, ~~or estate~~ or other unincorporated entity that is described in any of the foregoing subparagraphs a through h, inclusive; or

j. An officer or director (or an individual having powers or responsibilities similar to those of officers or directors), a general or managing partner, an individual acting as executor, administrator or trustee, or a highly compensated employee, professional advisor or consultant (in any case earning five percent or more of the aggregate yearly wages or other compensation paid by an employer for professional services), of any person described in any of the foregoing subparagraphs a through i, inclusive; or

k. Any person who owns, directly or indirectly, or holds an interest of five percent or more of the capital or profits in any partnership or joint venture of which any person described in any of the foregoing subparagraphs a through j, inclusive, also has an interest of five percent or more of the capital or profits in such partnership or joint venture.

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For purposes of subparagraphs f1, h1 and i1, the ownership of stock, membership interests and voting power or rights shall be determined in accordance with the rules for constructive ownership of stock under section 267(c) of the Internal Revenue Code of 1986, as amended from time to time and successor provisions thereof, except that, for purposes of this paragraph, section 267(c)(4) of the Internal Revenue Code of 1986 shall be treated as providing that the members of the family of an individual are the members listed in subparagraph g.

For purposes of subparagraphs f2 and f3, h2 and h3, and i2 and i3 and k the ownership of profits or beneficial interest shall be determined in accordance with the rules for constructive ownership of stock provided in section 267(c) of the Internal Revenue Code of 1986, as amended from time to time and successor provisions thereof (other than section 267(c)(3)), except that section 267(c)(4) shall be treated as providing that the members of the family of an individual are the members listed in subparagraph g.

No person shall be deemed to be a disqualified person hereunder unless he is given notice of the determination that he is a disqualified person, together with the reasons therefor, and, upon request filed within ~~10~~ ten days of such notice, is granted a hearing before the commission or the circuit court making such determination, is permitted to examine the evidence upon which such determination is based, is permitted to cross-examine any witnesses relied upon in such determination, and is permitted to testify in his own behalf and to present witnesses and other evidence on his behalf in public or closed session, as may be requested by such person. Any determination by a commission shall be subject to appeal as provided in section 11-65-12 on the record of such hearing.

(12) GREYHOUND RACING HANDLE. When used with reference to any specified period of time, this term means the total amount of all wagers received by a greyhound racing operator for all pari-mutuel pools originated during such period of time with respect to wagering on greyhound racing at the location where such operator is licensed by the commission to conduct greyhound racing (including wagering on greyhound racing events televised to such licensed location from elsewhere).

(13) GREYHOUND RACING OPERATOR. Any corporation, partnership or other business entity licensed by a commission to conduct greyhound racing and pari-mutuel wagering thereon in accordance with the provisions of this chapter.

(14) HORSE RACING FACILITY LICENSE. A license issued by a commission to own or lease a horse racing facility, or to have and enjoy the use thereof, which is recognized by the commission as effective with respect to a horse racing facility licensee, whether as the result of the original issuance of such license to the licensee, the assignment to the licensee of such license or all or part of any interest therein, or any other legal arrangement providing for the use and enjoyment of such license by the licensee.

(15)(17) HORSE RACING FACILITY LICENSEE. OWNER: ~~A corporation,~~

~~partnership or other business entity licensed by a commission to own a racing facility in accordance with the provisions of this chapter. Any person which, through direct issuance by a commission or other legal arrangements accepted or sanctioned by the commission, possesses a horse racing facility license for its use and benefit.~~

~~(16)(10) HORSE RACING HANDLE.~~ When used with reference to any specified period of time, this term means the total amount of all wagers received by a horse racing operator for all deposited in all of the pari-mutuel pools originated by an operator during such period of time with respect to wagering on horse racing at the location where such operator is licensed by the commission to conduct horse racing (including wagering on horse racing events televised to such licensed location from elsewhere).

~~(17) HORSE RACING OPERATOR.~~ Any corporation, partnership or other business entity licensed by a commission to conduct horse racing and pari-mutuel wagering thereon in accordance with the provisions of this chapter.

~~(18) (11) HOST COUNTY.~~ Any county in which a sponsoring municipality is located. With respect to a sponsoring municipality located in more than one county, "host county" this term means the county in which a majority the largest number of the residents of the sponsoring municipality reside, as determined by the most recent federal decennial census.

~~(19) (12) HOST COUNTY HOUSE DELEGATION.~~ With respect to a host county, the members of the house of representatives of the legislature of Alabama from those representative districts in which are located entirely within such host county; all or a majority of the residents of such district reside in the host county, as determined by the most recent federal decennial census.

~~(20)(13) HOST COUNTY SENATE DELEGATION.~~ With respect to a host county, the members of the senate of the legislature of Alabama from those senatorial districts in which are located entirely within such host county; all or a majority of the residents of such district reside in the host county, as determined by the most recent federal decennial census.

~~(21)(14) MEMBER.~~ A member of a commission.

~~(22)(15) NET COMMISSION REVENUES.~~ All fees (other than breeding fund fees), commissions and other moneys received by a commission and remaining after the payment of all expenses incurred in the administration of this chapter. This term does not include any state horse wagering fees or state dog racing privilege taxes, which are required to be paid by an operator directly to the state by the operator liable therefor.

~~(23)(16) OPERATOR.~~ As may in the context be appropriate, this term means a horse racing operator or a greyhound racing operator. A corporation licensed by a commission to conduct horse racing events and pari-mutuel wagering thereon in accordance with the provisions of this chapter.

~~(24)(18) PERSON.~~ Whether or not appearing as a capitalized term, means

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any Any natural person, corporation, partnership, joint venture, trust, government or governmental body, political subdivision or other legal entity as in the context may be possible or appropriate.

(25) RACING DAY. Whether used with reference to horse racing or greyhound racing, this term means a period which begins at 8:00 o'clock, A.M. on any calendar day (including Saturdays) except any Sunday, Thanksgiving Day or Christmas Day and which continues until 2:00 o'clock, A.M. on the next succeeding calendar day.

(26)(19) SPONSORING MUNICIPALITY. Any municipality for which a commission shall be created in accordance with the provisions of this chapter.

(27)(20) STALLION OWNER. The owner of a stallion standing in the state at the time he was bred to the dam of an Alabama-bred ~~thoroughbred or standardbred~~ horse.

(28)(21) STATE. The state of Alabama.

(29) STATE DOG RACING PRIVILEGE TAX. The privilege tax levied by the state pursuant to Chapter 26A, Title 40, Code of Alabama 1975, on every person engaged in the business of operating a dog racing track.

(30)(22) STATE RACING COMMISSION. Any department, agency or instrumentality of the state, whether or not constituting a corporate entity separate from the state, that may at any time, whether before or after April 5, 1984, be created, organized or established for the purpose, among other purposes, of licensing, regulating or supervising horse racing and pari-mutuel wagering thereon or greyhound racing and pari-mutuel wagering thereon.

(31)(23) STATE HORSE WAGERING FEE. A The license fee payable to the state by an a horse racing operator, the amount and payment schedule of which are to be determined in accordance with the provisions of section 11-65-29 hereof.

(b) The words "herein," "hereby," "hereunder," "hereof" and other equivalent words refer to this chapter as an entirety and not solely to the particular section or portion thereof in which any such word is used. The definitions set forth herein shall be deemed applicable whether the words defined are used in the singular or plural. Whenever used herein any pronoun or pronouns shall be deemed to include both singular and plural and to cover all genders."

Section 3. Creation of Racing Commission by Class 1 Municipality; Status of Commission; Jurisdiction of State Ethics Commission. Section 11-65-3, Code of Alabama 1975, is hereby amended to read as follows:

"§11-65-3. Class 1 municipalities authorized to create horse racing commission; status of commission; powers and duties generally; disposition of fees; jurisdiction of state ethics commission.

A commission is authorized to be created in accordance with the provisions of this chapter for each Class 1 municipality, as Class 1 municipality is defined in section 11-40-12 or any successor provision of law. Any commission created for any sponsoring municipality pursuant to the provisions of this chapter shall be named "The _____ (the name of the sponsoring municipality shall be inserted in the blank) rRacing eCommission" and shall be a public corporation having a legal existence separate and apart from the state and any county, municipality or political subdivision thereof. A commission shall be vested with the powers and duties specified in this chapter and all other powers necessary and proper to enable it to execute fully and effectively the purposes of this chapter. Anything contained in this chapter to the contrary notwithstanding, no commission shall have any legal authority to license and regulate any racing and wagering activity at facilities located in any part of the sponsoring municipality outside the host county or in any part of the host county outside the sponsoring municipality. Immediately upon the incorporation of a commission in accordance with the provisions of this chapter, horse racing and pari-mutuel wagering thereon conducted in the sponsoring municipality in accordance with the provisions of this chapter shall be lawful, notwithstanding any other provision of law to the contrary. Any commission that was authorized by an election held in the sponsoring municipality and the host county prior to April 16, 1991, pursuant to then effective provisions of this chapter and that was validly incorporated pursuant to such authorization shall continue in existence with full powers under this chapter, and the members of such commission shall continue in office for the current terms for which they were respectively appointed or serve ex officio, without further action being required under the provisions of this chapter, as amended subsequently to the date of the incorporation of such commission or the respective beginning dates of such members' current terms of office.

Notwithstanding any provisions hereof which connect the state with the creation and control of a commission, any commission incorporated pursuant to the provisions of this chapter shall not be deemed to be part of the state for any purpose, but shall be treated as a public corporation and body politic separate and apart from the state. Except for the state horse wagering fee and the state dog racing privilege tax, all taxes, fees, commissions and other moneys which a commission shall be authorized by this chapter to charge, levy or receive or which shall be levied upon or charged for the privilege of conducting horse racing, greyhound racing or pari-mutuel wagering thereon shall be deemed to be moneys belonging exclusively to such commission, and no allocation or payment of such moneys authorized or mandated by this chapter shall be considered to be an appropriation of moneys belonging to or controlled by the state, the host county or the sponsoring municipality.

Notwithstanding any provisions hereof which connect a commission with its sponsoring municipality, the host county or any other county or municipality [including, without limitation thereto, the provisions of section 11-65-4 hereof regarding a referendum an election in the sponsoring municipality host county and the part of the sponsoring municipality located therein to approve the incorporation of a commission and the provisions of section 11-65-5 hereof providing for (1) the mayor or other chief executive officer of the sponsoring municipality to serve ex officio as one member of a commission or, in lieu of such ex officio service, to appoint a member of such commission and (2) the president or other

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designated presiding officer of the county commission of the host county to serve ex officio as one member of a commission or, in lieu of such ex officio service, to appoint a member of such commission], any commission incorporated pursuant to the provisions of this chapter shall not be deemed to be a local agency or instrumentality of the sponsoring municipality or the host county, but shall be treated as a public corporation and body politic having rights, powers and duties which, to the extent herein specified, shall be effective without reference to the rights, powers, duties and territories of the sponsoring municipality and the host county. ~~Except for the state wagering fee, all fees, commissions and other moneys which a commission shall be authorized by this chapter to charge, levy or receive shall be deemed to be moneys belonging exclusively to such commission, and the sponsoring municipality and the host county shall have no interest therein except to the limited extent expressly provided by this chapter.~~

Any racing commission incorporated pursuant to the provisions of this chapter shall be subject to the jurisdiction of the state ethics commission and to the provisions of Chapter 25, Title 36, Code of Alabama 1975, and the members of such racing commission shall be deemed public officials subject to the provisions of said Chapter 25. Any officer or employee of a racing commission shall be deemed a public employee for purposes of said Chapter 25 as and to the extent provided in said Chapter 25."

Section 4. Elections Required to Approve Incorporation of Commission and Conduct of Racing and Pari-Mutuel Wagering Thereon. Section 11-65-4, Code of Alabama 1975, is hereby amended to read as follows:

"§11-65-4. Referendum to approve commission. Elections required to approve incorporation of commission and conduct of racing and pari-mutuel wagering thereon.

(a) The governing body of any Class 1 municipality shall call and provide for holding a referendum for the purpose of determining if a commission shall be incorporated for such municipality pursuant to this chapter. The initial referendum shall be held not less than 45 days nor more than 90 days after April 5, 1984 and shall be advertised, held, conducted and the results thereof canvassed and declared in the manner provided by law for advertising, holding, conducting and canvassing other municipal elections and as said governing body shall provide in the resolution or ordinance calling such election. The No commission shall be incorporated for a Class 1 municipality and no horse racing or greyhound racing or pari-mutuel wagering thereon shall be permitted in such municipality pursuant to this chapter unless the incorporation of such commission, together with the conduct of horse racing and pari-mutuel wagering thereon or greyhound racing and pari-mutuel wagering thereon or both such activities, shall have been authorized by an election held in the host county in which such incorporation and such racing and wagering activities shall have been approved by both (i) a majority of the votes cast in such election by voters who reside in the host county (including those voters who reside in the sponsoring municipality) and (ii) a majority of the votes cast in such election by voters who reside in the commission municipal jurisdiction. In order to authorize the holding of the required election in the host county, the governing body of any Class 1 municipality desiring to be the sponsoring municipality of a commission may adopt an ordinance or resolution

requesting the county commission of the host county to call an election to be held in the host county on the question of incorporating a commission, and in such ordinance or resolution the governing body of the sponsoring municipality shall determine the date of such election, which (subject to the provisions of subsection (e) of this section 11-65-4) shall not be less than 45 days nor more than 90 days after the date of the adoption of such ordinance or resolution, and shall further determine which of the following alternatives shall be authorized in the commission municipal jurisdiction by such election: (1) horse racing and pari-mutuel wagering thereon; (2) greyhound racing and pari-mutuel wagering thereon; or (3) both horse racing and greyhound racing with pari-mutuel wagering on both racing activities. Depending on the alternative selected by the governing body of the sponsoring municipality, the question to be voted on presented to the voters shall be stated on the ballots or voting machine tags substantially as follows:

"Do you favor the authorization of horse racing and pari-mutuel wagering thereon in creation of a racing commission for the eCity of _____ [(insert the name of the sponsoring municipality)] and the creation of a racing commission for said city to license, regulate and supervise horse racing and pari-mutuel wagering thereon as provided in Act No. _____ [(insert act number)] adopted at the _____ [(insert session identification)] Session of the legislature of Alabama?" authorization of [insert here one of the following alternatives selected by the governing body of the sponsoring municipality in the ordinance or resolution calling the election]

"horse racing and pari-mutuel wagering thereon"

or

"greyhound racing and pari-mutuel wagering thereon"

or

"both horse racing and greyhound racing, with
pari-mutuel wagering on both such racing activities,"

in that part of said city located in _____ [(insert the name of the host county)], as provided in Chapter 65, Title 11, Code of Alabama 1975?"

Yes _____

No _____

The sponsoring municipality shall promptly furnish a certified copy of the ordinance or resolution calling such election to the county commission of the host county, whereupon such county commission shall be required to call an election in the host county to be held on the question and on the date specified in such ordinance or resolution. The election so called shall be held only among the qualified voters of the host county, and no voters of the sponsoring municipality who reside

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in counties other than the host county shall be permitted to vote in such election. If the majority of the votes cast in such election are "Yes", and if the majority of the votes cast in such election by voters who are residents of the commission municipal jurisdiction are "Yes", then this chapter shall become operative with respect to such municipality, a commission may be incorporated therefor, and the racing and wagering activities authorized by such election shall be legal in the commission municipal jurisdiction, as and to the extent conducted in accordance with the provisions of this chapter, but such activities shall continue to be illegal in those parts of the sponsoring municipality outside such jurisdiction. If the majority of the votes cast in such election are "No", or if the majority of the votes cast in such election by voters who are residents of the commission municipal jurisdiction are "No", then this chapter shall have no further effect with respect to such municipality, unless the governing body thereof should later request the county commission of the host county to call another election subject to the provisions of subsection (d) of this section 11-65-4.

(b) In any case where an election has been previously held for a sponsoring municipality and the host county thereof in accordance with the then effective provisions of this chapter that authorized either horse racing and pari-mutuel wagering thereon or greyhound racing and pari-mutuel wagering thereon, but not both such racing activities, and a commission has been incorporated for such municipality and is in operation, the racing and wagering activity not authorized by such previous election shall not be permitted in such municipality pursuant to this chapter unless the same shall have been authorized by another election held in the host county in which such activity shall have been approved by both (i) a majority of the votes cast in such election by voters who reside in the host county (including those voters who reside in the sponsoring municipality) and (ii) a majority of the votes cast in such election by voters who reside in the commission municipal jurisdiction. In order to authorize the holding of the required election in the host county, the governing body of the sponsoring municipality may adopt an ordinance or resolution requesting the county commission of the host county to call an election to be held on the question of authorizing any racing and wagering activity covered by this chapter that has not theretofore been authorized by an election, and in such ordinance or resolution the governing body of the sponsoring municipality shall determine the date of such election, which (subject to the provisions of subsection (e) of this section 11-65-4) shall not be less than 45 days nor more than 90 days after the date of the adoption of such ordinance or resolution, and shall further specify the racing and wagering activity, whether horse racing and pari-mutuel wagering thereon or greyhound racing and pari-mutuel wagering thereon, that is to be authorized by such election; provided, however, that, anything contained in this chapter to the contrary notwithstanding, in the case of any Class 1 municipality for which horse racing and pari-mutuel wagering thereon has been authorized by an election held prior to April 16, 1991, the governing body of such municipality is hereby mandated to request the county commission of the host county call an election before January 1, 1992, in accordance with the provisions of this section 11-65-4 for purpose of determining whether greyhound racing and pari-mutuel wagering thereon shall be permitted in the commission municipal jurisdiction. Depending on which racing and wagering activity is to be authorized by the election, the question to be voted on shall be stated on the ballots or voting machine tags substantially as follows:

"Do you favor the authorization of [insert here one of the following alternatives specified by the governing body of the sponsoring municipality in the ordinance or resolution calling the election]

"horse racing and pari-mutuel wagering thereon"

or

"greyhound racing and pari-mutuel wagering thereon" in that part of the City of _____ [insert the name of the sponsoring municipality] located _____ in _____ [insert the name of the host county], as provided in Chapter 65, Title 11, Code of Alabama 1975?"

Yes _____

No _____

The sponsoring municipality shall promptly furnish a certified copy of the ordinance or resolution calling such election to the county commission of the host county, whereupon such county commission shall be required to call an election in the host county to be held on the question and on the date specified in such ordinance or resolution. The election so called shall be held only among the qualified voters of the host county, and no voters of the sponsoring municipality who reside in counties other than the host county shall be permitted to vote in such election. If the majority of the votes cast in such election are "Yes", and if the majority of the votes cast in such election by voters who are residents of the commission municipal jurisdiction are "Yes", then the racing and wagering activity authorized by such election, in addition to the racing and wagering activity previously authorized to be conducted in the commission municipal jurisdiction, shall be legal in such jurisdiction, as and to the extent conducted in accordance with the provisions of this chapter, but such activity shall continue to be illegal in those parts of the sponsoring municipality outside such jurisdiction. If the majority of the votes cast in such election are "No", or if the majority of the votes cast in such election by voters who are residents of the commission municipal jurisdiction are "No", then the racing and wagering activity that was the subject of such election shall not be legal in the commission municipal jurisdiction, unless the governing body of the sponsoring municipality should later call another election subject to the provisions of subsection (d) of this section 11-65-4; provided, however, that the disapproval by the voters in any election of any additional racing and wagering activity to be conducted in the commission municipal jurisdiction shall not revoke or impair any previous authorization for other racing and wagering activity, which authorization shall continue in full force and effect.

(c) If the majority of the votes cast in any referendum are "Yes," this chapter shall become operative with respect to the municipality conducting such referendum, and horse racing and pari-mutuel wagering thereon shall be legal in such municipality as and to the extent conducted in accordance with the provisions of this chapter; if the majority of the votes cast in such election are "No," this chapter shall have no further effect with respect to such municipality, unless the governing body thereof should later call another referendum. One or more

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subsequent referenda may be called by the governing body of a Class 1 municipality if the question submitted at the initial or any subsequent referendum fails to receive a majority of favorable votes; provided, however, that not more than one referendum may be called by any municipality in each calendar year. Once authorized and incorporated, a commission may not be dissolved except pursuant to general act of the legislature of Alabama applicable to such commission. The appropriate election officials of the sponsoring municipality and the host county are hereby directed to cooperate in calling and conducting any election held pursuant to the provisions of subsection (a) or (b) of this section 11-65-4 and in canvassing and declaring the results of such election. Any such election shall be called, advertised, conducted and the results thereof canvassed and declared in the manner provided by law for calling, advertising, conducting and canvassing other county elections on propositions submitted to the voters of the host county and as the governing body of the host county shall provide in the resolution calling such election; provided, however, that, notwithstanding any statute which requires, or might be interpreted to require, notice of such election in the sponsoring municipality to be published more than 30 days before such election, it is hereby expressly provided that the publication of notice of an election at least 30 days prior thereto prescribed by section 17-7-5 for county elections shall also apply to the publication of notice of such election in the sponsoring municipality. The election officials of the sponsoring municipality and the host county are hereby directed to cooperate in preparing voter lists and establishing polling places that will enable the results of such election in the commission municipal jurisdiction to be separately determined from the results of such election in the host county as a whole. The costs of conducting any election pursuant to the provisions of subsection (a) or (b) of this section 11-65-4 shall be equitably apportioned between the sponsoring municipality and the host county according to agreement among the respective election officials of each such political subdivision or according to such other statutes as may at the time be applicable to the division of such election costs between the sponsoring municipality and the host county. In the event that the election officials of the sponsoring municipality and the host county cannot agree on a division of election costs and no other statute governs the division of such costs, such costs shall be divided equally among the sponsoring municipality and the host county. The results of any referendum conducted for a Class 1 municipality election conducted pursuant to this chapter shall be certified to the secretary of state, within 30 days after the election returns are canvassed, by the officer then authorized by law to certify proceedings taken by the election commission, board of canvassers or other body then required by law to canvass and declare the results of elections held in such municipality-the host county.

(d) One or more subsequent elections may be requested by the governing body of a Class 1 municipality to be called by the county commission of the host county if the question submitted at the preceding election called pursuant to subsection (a) or (b) of this section 11-65-4 does not receive the required majority of the votes cast by voters of both the host county and the commission municipal jurisdiction; provided, however, that not more than one election in each calendar year may be requested to be called pursuant to said subsection (a) or (b) by the governing body of any Class 1 municipality. Any such subsequent election shall be called, advertised, conducted and the results thereof canvassed and declared in the same manner and subject to the same conditions as the preceding election called pursuant to said subsection (a) or (b), as the case may be.

(e) If any election permitted or required to be held pursuant to subsection (a) or (b) of this section 11-65-4 can be scheduled for the date on which the sponsoring municipality is required by law to hold an election for its mayor or for two or more members of its governing body, then, in order to minimize the costs of conducting any election permitted or required to be held pursuant to said subsection (a) or (b), the sponsoring municipality is hereby mandated to schedule such election for the date on which its mayor or two or more members of its governing body will next be elected; provided, however, that the sponsoring municipality shall not be required to schedule any election permitted or required to be held pursuant to said subsection (a) or (b) on the date required by law for the election of the mayor or two or more members of the governing body of such municipality if such election would thereby be delayed for more than six months.

Section 5. Composition of Commission. Section 11-65-5, Code of Alabama 1975, is hereby amended to read as follows:

"§11-65-5. Composition of commission; terms; qualifications; removal from office.

(a) Every commission shall have five members, which shall constitute its governing body. All powers of a commission shall be exercised by its members or pursuant to their authorization. The mayor or other chief executive officer of the sponsoring municipality and the president or other designated presiding officer of the county commission of the host county shall each serve as a member ex officio, unless such official exercises his or her right, as provided in subsection (b) of this section 11-65-5, to appoint a fixed-term member to serve in lieu of such official. ~~and~~ The service of each such official as a member shall begin and end concurrently with the beginning and ending of his or her tenure in such office and shall end with the ending of such tenure or the appointment by such official of a fixed-term member to serve in lieu of his or her ex officio service. The other three members shall be appointed in the manner hereinafter prescribed as soon as may be practicable after the certification to the secretary of state of a favorable vote at an election ~~a referendum~~ called and held pursuant to section 11-65-4. The lieutenant governor of the state, the host county house delegation and the host county senate delegation shall each appoint one member; provided, however, that the provisions of this chapter conferring upon the lieutenant governor of the state the power to appoint one member of each commission are hereby expressly declared to be severable from the other provisions of this chapter, and if the provisions conferring such power upon the lieutenant governor shall be determined by any court of competent jurisdiction to be invalid because of any defect in the notice required to be published with respect to this chapter by sections 106 and 110 of the Constitution of Alabama, as amended, or to be invalid for any other reason, such determination shall not affect, impair or invalidate the remaining provisions of this chapter, and in such case, the mayor or other chief executive officer of the sponsoring municipality shall have the right to appoint the member of each commission that, absent such determination, would have been appointed by the lieutenant governor, all subject to the same terms and conditions herein that would be applicable to an appointment made by the lieutenant governor. The appointments of members by the host county house delegation and the host county senate delegation shall be made at meetings of the members of the respective delegations held pursuant to the call of the mayor or other chief executive officer of the sponsoring municipality, who shall provide the members of each delegation

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with written notice of any such meeting at least ~~10~~ ten days prior to the date set therefor. All meetings of the host county house delegation or the host county senate delegation called and held pursuant to this chapter shall be open to the public. Any appointment of a member by the host county house delegation or the host county senate delegation must be approved by a majority of the members of such delegation voting in person at a public meeting called and held pursuant to this chapter. Any meeting of the host county house delegation or the host county senate delegation at which fewer than a majority of the members of such delegation are present, or at which no appointment of a member is made because of a failure to obtain the approval of a majority of the members of such delegation, may be adjourned to a future time and place announced at such meeting; provided that, if either delegation fails to appoint a member within 30 days of the date of the first meeting called for the purpose of such appointment, the right of such delegation to appoint a member shall terminate and such appointment shall be made as soon thereafter as practicable by the mayor or other chief executive officer of the sponsoring municipality.

(b) The mayor or other chief executive officer of the sponsoring municipality and the president or other designated presiding officer of the county commission of the host county shall each have the right, exercisable in his or her discretion and at any time during his or her tenure as such official, to appoint a member of the commission to serve in lieu of such appointing official for a fixed term from the effective date of such appointment until the end of the current term of office of the appointing official. Any such appointed member shall, during his or her term, exercise the full rights and powers of a member of the commission that the appointing official would have possessed if he or she had chosen to serve as an ex officio member. Any such appointed member shall also comply with the qualifications set forth in subsection (f) of this section 11-65-5, except that the mayor or other chief executive officer of the sponsoring municipality may, in his or her discretion, appoint a member of the governing body of the sponsoring municipality to serve as a fixed-term member of the commission, and the president or other designated presiding officer of the county commission of the host county may, in his or her discretion, appoint a member of the county commission to serve as a fixed-term member of the commission.

(c) The mayor or other chief executive officer of the sponsoring municipality and the president or other designated presiding officer of the county commission of the host county shall have the right, exercisable in the discretion of each such official and at any time and from time to time during his or her tenure as such official, to appoint a deputy member of the commission to represent such ex officio member in connection with the business of the commission. In the event that, pursuant to subsection (b) of this section 11-65-5, a member of the governing body of the sponsoring municipality is appointed as a fixed-term member of the commission or a member of the county commission of the host county is appointed as a fixed-term member of the commission, then each such appointed member shall have the same right to appoint a deputy member as would belong to the appointing official if he or she chose service as an ex officio member. Any deputy member shall be appointed by a letter signed by the appointing member and filed with the executive secretary of the commission, which letter shall specify the period of time for which such deputy member shall be appointed or, if not for a period of time, the particular meeting or other business for which he or she shall

be appointed. Any deputy member shall serve at the pleasure of the appointing member, and his or her appointment may be revoked at any time during the term of office of the appointing member by a letter signed by the appointing member and filed with the executive secretary of the commission. The appointment of any deputy member shall be automatically revoked when the appointing member ceases to be a member of the commission for any reason. Each member of the commission entitled to appoint a deputy member may, during his or her term of office, appoint and remove from office as many deputy members as he or she may choose, provided that at any given time such member may have no more than one validly appointed deputy member. Any deputy member shall comply with the qualifications set forth in subsection (f) of this section 11-65-5, except that the mayor or other chief executive officer of the sponsoring municipality or any fixed-term member appointed to serve in lieu of such official may, in his or her discretion, appoint a member of the governing body of the sponsoring municipality or a full-time officer or employee of such municipality to serve as deputy member, and the president or other designated presiding officer of the county commission of the host county or any fixed-term member appointed to serve in lieu of such official may, in his or her discretion, appoint a member of the county commission of the host county or a full-time officer or employee of such county to serve as deputy member. Any deputy member validly appointed and serving in accordance with the provisions of this section 11-65-5 shall be entitled to exercise all powers and perform all functions and duties of the member who appointed such deputy member, including, without limitation, the right to vote on all matters coming before the commission when such appointing member is not present.

(d)(b) The member to be appointed by the lieutenant governor of the state shall be appointed for a term beginning immediately upon his appointment and ending at noon on July 1 in the third calendar year next following the calendar year in which the referendum election authorizing the incorporation of the commission shall be conducted; the member to be appointed by the host county house delegation shall be appointed for a term beginning immediately upon his appointment and ending at noon on July 1 in the fourth calendar year next following the calendar year in which the referendum election authorizing the incorporation of the commission shall be conducted; the member to be appointed by the host county senate delegation shall be appointed for a term beginning immediately upon his appointment and ending at noon on July 1 in the fifth calendar year next following the calendar year in which the referendum election authorizing the incorporation of the commission shall be conducted. Thereafter, the term of office of each appointed member shall be five years, commencing at noon on the July 1 on which the term of the immediate predecessor member shall end.

(e)(c) If at any time there shall be a vacancy among the appointed members of a commission (i.e., those members who do not serve ex officio), a successor member shall be appointed to serve for the unexpired term applicable to such vacancy; provided, however, that any official entitled ex officio (e.g., the mayor of the sponsoring municipality or the president of the county commission of the host county) to a vacant membership previously held by a member appointed in lieu of such official may, instead of appointing a successor, resume his or her ex officio membership by filing written notice to that effect with the secretary of state and the executive secretary of the commission. The appointment of each appointed

member appointed by the lieutenant governor, the host county house delegation or the host county senate delegation, as the case may be (other than those initially appointed), whether for a full five-year term or to complete an unexpired term, shall be made by the officer or legislative delegation responsible for the appointment of the member whose term shall have expired or is to expire or in whose position a vacancy otherwise exists and shall be made not earlier than 30 days prior to the date on which such member is to take office as such. If the term of any such member shall expire prior to the reappointment of such member or prior to the appointment of his successor, such member shall continue to serve until his successor is appointed, and if such member is reappointed for a new term after the expiration of the immediately preceding term which he has been serving, his new term of office shall be deemed to have commenced at noon on the July 1 on which the immediately preceding term shall have expired. Any member appointed pursuant to subsection (b) of this section 11-65-5 shall not serve beyond the term for which appointed, and upon the expiration of such term, the position previously held by such member shall immediately revert to the official entitled thereto by reason of his or her office, and such official shall continue as ex officio member of the commission until the expiration of his or her current term of office, the vacation of such office prior to the expiration thereof, or the appointment of someone pursuant to said subsection (b) to serve as a member in lieu of such official, as the case may be. Members appointed by any appointing authority shall be eligible for reappointment without limit as to the number of terms previously served. In the event that any appointments required to be made by the lieutenant governor, the host county house delegation or the host county senate delegation are not made within 60 days after the certification to the secretary of state of a favorable vote at a referendum an election called and held pursuant to this chapter (in the case of initial appointments), or within 30 days of the end of a term or other vacancy, then a vacancy shall be filled or a successor member appointed by a majority of the members of the commission holding appointments already made or serving as ex officio members. Appointments shall be evidenced by a written certificate executed by the appointing official, or, in the case of appointments made by a majority of the other members, by a certificate signed by the members making such appointment, or, in the case of appointments made by a legislative delegation, by the members of the delegation voting for such appointment or by a member of the delegation designated to serve as the secretary of the meeting at which such appointment is made and to report the results thereof to the secretary of state. The certificates evidencing the appointment of members of a commission shall be addressed and delivered to the secretary of state, who shall maintain the originals of such certificates as official records in his office, and copies of such certificates shall be furnished to the executive secretary of the commission.

(f)(d) Each appointed member of any commission shall have been a resident of the host county for a period of at least five years prior to his or her appointment and shall, at the time of his or her appointment and at all times during his or her term of office, be a resident of the host county and a qualified elector of the state, and a failure by any appointed member to remain so qualified during such term of office shall cause a vacancy of the office of such member. Except as otherwise provided in subsections (b) and (c) of this section 11-65-5, No person serving as a member of the legislature of the state, serving as a member of the governing body of any municipality, county or other political subdivision of the state, or holding a full-time office or position of employment with the United States

of America, the state, any county or municipality in the state, or any instrumentality, agency or subdivision of any of the foregoing, shall be eligible for appointment as a member or deputy member of a commission. Service by any person as a member, director, trustee or other participant in the management or administration of any governmental agency, board or commission, or public educational institution, or other public body of the United States of America, the state, or any county or municipality or other political subdivision shall not render such person ineligible for appointment as a member of a commission unless such service constitutes full-time employment. Each appointed member shall be of good moral character and shall never have been convicted of a felony or other offense involving moral turpitude. Each appointed member of a commission shall make and submit to the appointing officer or legislative delegation responsible for his or her appointment an affidavit confirming his or her qualifications, as set forth in the preceding provisions of this subsection (d), to serve as a member of a commission, which affidavit shall be filed with the secretary of state along with the aforesaid certificate evidencing such appointment. Any appointed member of a commission who in such affidavit intentionally makes a false statement of material fact or intentionally fails to disclose any information necessary to make any statement of material fact made therein not misleading shall be guilty of perjury and shall be subject to prosecution and punishment therefor in the same manner as if he had committed perjury as a witness in open court.

(g)(e) Any person who is an appointed member of a commission shall be deemed to vacate his or her office as such member by (1) the acceptance of any office or employment which, had such person held such office or been so employed at the time of his or her appointment as a member, would have rendered such person ineligible for appointment as a member or (2) the occurrence of any event or circumstance involving the character of such person which, had such event or circumstance occurred prior to the time of his or her appointment as a member, would have precluded such appointment. Any appointed member may be impeached and removed from office as a member of a commission in the same manner and on the same grounds provided in section 175 of the Constitution of Alabama ~~of 1901~~, or successor provision thereof, and the general laws of the state for impeachment and removal of the public officers subject to said section 175 or successor provision thereof. The mayor or other chief executive officer of the sponsoring municipality and the president or other designated presiding officer of the county commission of the host county may not be impeached and removed from office as a member of a commission apart from their impeachment and removal from the their respective offices by virtue of which, ex officio, they serve as members."

Section 6. Incorporation of Commission. Section 11-65-6, Code of Alabama 1975, is hereby amended to read as follows:

"§11-65-6. Incorporation of commission.

The five persons initially designated as members of a commission shall become a corporation with the power and authority provided in this chapter by proceeding according to the provisions of this chapter. To become a corporation, the persons so designated shall present to the secretary of state an application signed by them which shall contain the following:

(1) A statement that the applicants propose to incorporate a commission pursuant to this chapter;

(2) The name and principal residence of each of the applicants;

(3) The date on which each applicant who is not an ex officio member was appointed as a member and the expiration date of the term for which he was appointed;

(4) The term of office for each applicant who is an ex officio member;

(5) The name of the proposed corporation, which shall be the "~~t~~The _____ [name of the sponsoring municipality] ~~r~~Racing ~~e~~Commission";

(6) The location of the principal office of the proposed corporation, which shall be in the sponsoring municipality; and

(7) Any other matter relating to such commission which the applicants may choose to insert and which is not inconsistent with this chapter or the laws of the state.

The application shall be subscribed and sworn to by each of the applicants before an officer authorized by the laws of the state to take acknowledgments to deeds. The secretary of state shall examine the application and determine if the certificate of the appropriate election officials has been filed with his office, as required by section 11-65-4, confirming the results of the election which authorizes the incorporation of the commission and empowers it to license and regulate racing activities and pari-mutuel wagering thereon; and if the secretary of state finds that it the application for incorporation of a commission substantially complies with the requirements of this section and that the certified results of the election show the required approval for such incorporation, he shall receive, file and record it such application in an appropriate book of records in his office.

When the application has been made, filed and recorded as herein provided, the applicants shall constitute a corporation under the name stated in the application, without the necessity of any further action under any other laws of the state applicable to the creation of corporations, and the secretary of state shall make and issue to the applicants a certificate of incorporation pursuant to this chapter, under the great seal of the state, and shall record the certificate with the application and the certificate of election results. There shall be no fees paid to the secretary of state for any work done in connection with the incorporation or dissolution of any commission. Once authorized by the election required by section 11-65-4 and incorporated, a commission may not be dissolved except pursuant to general act of the legislature applicable to such commission.

To the extent that additional powers to license and regulate racing are authorized for a commission by any election held pursuant to subsection (b) of section 11-65-4, the certificate of the appropriate election officials confirming the results of such election that is required to be submitted to the secretary of state shall be filed with and shall constitute part of the permanent records pertaining to the corporate existence and powers of the commission, and such additional powers

authorized by such election may be exercised by the commission without any requirement that the commission apply to the secretary of state for an amendment to its certificate of incorporation reflecting such additional powers or that a certificate of amendment be issued by the secretary of state."

Section 7. General Provisions Respecting Members of Commission. Section 11-65-7, Code of Alabama 1975, is hereby amended to read as follows:

"§11-65-7. General provisions respecting members of commission.

No member shall vote on or participate in the discussion or consideration of any matter coming before a commission in which he, his immediate family, or any business enterprise with which he is associated has any direct or indirect pecuniary interest; provided, however, that when any such matter is brought before a commission, any member having an interest therein which may be in conflict with his obligations as a member shall immediately make a complete disclosure to such commission of any direct or indirect pecuniary interest he may have in such matter prior to removing himself and withdrawing from the commission's deliberations and vote on the matter presented. In furtherance, and not in limitation of the foregoing provision, no member or employee of a commission, and no spouse, child, parent, brother or sister of any such member or employee, (1) shall have any financial interest, direct or indirect, in any horse-racetrack racing facility, business or operation incidental thereto which is subject to the provisions of this chapter, or in any entity which has submitted an application for a license under this chapter, or in the operation of any wagering authorized under this chapter, (2) shall be an employee of any licensee or permit holder of the commission, or (23) shall participate as the owner of a any horse or greyhound participating in any race or otherwise be interested in the outcome of as a contestant in any race subject to the jurisdiction of a commission or have any pecuniary interest in the purse or prize contested for in any such race. No appointed member or officer of a commission (e.g., any member or officer of a commission who does not serve as such by reason of his holding another office), no employee of a commission, and no spouse, child, parent, brother or sister of any such appointed member or officer or of any such employee, shall make, or cause to be made on his or her behalf, any contribution to any holder of any office of the state or any office of the sponsoring municipality or the host county of such commission or any contribution to any candidate for any such office.

The mayor or other chief executive officer of the sponsoring municipality and the president or other designated presiding officer of the county commission of the host county shall perform the duties of a members of a commission, ex officio, without any compensation other than that to which they are respectively entitled as such municipal or county officers, and any member of a commission who is appointed by either of such officials pursuant to the provisions of section 11-65-5 and who is a member of the governing body of the sponsoring municipality or the host county shall likewise perform his or her duties as such member without any compensation other than that to which he or she is entitled as a member of such municipal or county governing body. Except as otherwise provided in the preceding sentence and to the extent not in conflict with section 280 of the Constitution of Alabama, Appointed members of a commission, including deputy members appointed pursuant to subsection (c) of section 11-65-5, shall be

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entitled to such compensation for their services as the commission shall from time to time provide by duly adopted resolution, provided that no appointed member or deputy member of a commission shall receive more than \$100.00 for each day or part thereof spent in the performance of his duties. Each member, whether appointed or serving ex officio, shall be reimbursed for his or her reasonable expenses incurred in the performance of his or her duties as a member of a commission. The compensation and expenses of members and deputy members shall be paid out of the funds of a commission in accordance with such rules as shall be from time to time adopted by such commission.

A majority of the members (including any member represented by a deputy member) of a commission shall constitute a quorum for the transaction of business by such commission, and, in the absence of a rule incorporated in the bylaws of a commission that, in certain circumstances, may require the favorable vote of a designated percentage of all the members of a commission, decisions shall be made on the basis of a majority of the quorum then present and voting, with each member to have a single vote. No vacancy in the membership of a commission or the voluntary disqualification or abstention of any member thereof shall impair the right of a quorum to exercise all of the powers and duties of the commission."

Section 8. Officers of Commission. Section 11-65-8, Code of Alabama 1975, is hereby amended to read as follows:

"§11-65-8. Officers of commission.

The officers of a commission shall consist of a chairman, vice-chairman, executive secretary, treasurer and such other officers as the commission shall deem necessary or appropriate. The chairman and vice-chairman of a commission shall be elected by the commission from the membership thereof. The executive secretary shall be appointed as provided in section 11-65-10 hereof. The A commission may appoint the principal financial officer of the sponsoring municipality of a commission shall serve ex officio as the treasurer of such commission or it may appoint its executive secretary as treasurer and combine the duties of the two offices, or it may appoint and employ a treasurer as provided in section 11-65-10."

Section 9. Treasurer of Commission. Section 11-65-9, Code of Alabama 1975, is hereby amended to read as follows:

"§11-65-9. Treasurer of commission; investment of funds of commission.

The treasurer of a commission shall collect all the fees, commissions and other moneys provided for in this chapter, and shall supervise, check and audit the operation of the pari-mutuel wagering pools and the conduct and distribution thereof. The A commission may appoint the principal financial officer of a the sponsoring municipality as the treasurer, in which case such officer shall perform the duties of the treasurer of a commission, ex officio, without any compensation other than that to which he or she is entitled as the principal financial officer of such sponsoring municipality, but he or she shall be reimbursed for expenses actually incurred in the performance of his or her duties as treasurer of a commission. The treasurer of a commission shall, with the approval of the commission, determine the A# managerial, accounting and clerical personnel

~~which the principal financial officer of a sponsoring municipality shall determine to be that are necessary to keep the books and records of a such commission created for such sponsoring municipality and to perform the audit and other financial functions for such commission authorized or contemplated by this chapter. If the commission appoints the principal financial officer of the sponsoring municipality as the treasurer of the commission, such managerial, accounting and clerical personnel may, as and to the extent approved by the commission, shall be employees of such sponsoring municipality and shall perform their duties with respect to the commission under the supervision of such principal financial officer in his capacity as ex-officio treasurer of such the commission; provided, however, that~~ The number, qualifications and compensation of personnel employed by such the sponsoring municipality to perform all financial functions for such a commission shall be subject to the approval of such commission, as well as to such other laws and regulations as may be applicable to such personnel as employees of such sponsoring municipality. Each A commission shall reimburse the sponsoring municipality for all the costs and expenses incurred in the performance of all any financial functions for such commission, including a reasonable allowance for the time of the principal financial officer of such sponsoring municipality devoted to the business of such commission as its ex-officio treasurer.

The funds of a commission which ~~it its treasurer~~ determines are not then needed to discharge its obligations or to make the disbursements provided for in sections 11-65-34 and 11-65-36 ~~hereof~~ may be invested in such of the following investments as its treasurer, acting at the direction of or with the approval of the commission, may determine to be most advantageous or convenient:

(1) Any time deposit with, or any certificate of deposit issued by, or any acceptance by, any bank which is organized under the laws of the United States of America or any state thereof and deposits in which are insured, in whole or in part, by the Federal Deposit Insurance Corporation or any department, agency or instrumentality of the United States of America that may succeed to the functions of such corporation;

(2) Any direct, general obligation of the United States of America;

(3) Any obligation payment of the principal of and interest on which is unconditionally guaranteed by the United States of America;

(4) Any direct, general obligation of, or any obligation payment of the principal of and interest on which is unconditionally guaranteed by, any agency or instrumentality of the United States of America (including, without limitation, the Federal National Mortgage Association); and

(5) Any repurchase agreement or reverse repurchase agreement with any bank which is a member of the Federal Deposit Insurance Corporation (or any department, agency or instrumentality of the United States of America that may succeed to the functions of such corporation) or with any government bond dealer reporting to and trading with the Federal Reserve Bank of New York, provided that such agreement is secured by obligations or securities described in clauses (1), (2), (3) and (4) of this sentence.

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Funds of a commission not invested in accordance with the preceding sentence shall be deposited in a bank the principal office of which shall be located in the sponsoring municipality and the deposits of which shall be insured, in whole or in part, by the Federal Deposit Insurance Corporation or any department, agency or instrumentality of the United States of America that may succeed to the functions of such corporation."

Section 10. Powers and Duties of Commission. Section 11-65-10, Code of Alabama 1975, is hereby amended to read as follows:

"§11-65-10. Powers and duties of commission.

A When authorized by one or more elections as provided in section 11-65-4, a commission shall have the powers and duties necessary to license, regulate and supervise horse racing and pari-mutuel wagering thereon and greyhound racing and pari-mutuel wagering thereon within the commission municipal jurisdiction, ~~betting incidental thereto,~~ including, without limiting the generality of the foregoing, the powers and duties hereinafter set forth in this section or in other sections of this chapter.

(1) A commission shall have succession in perpetuity, subject only to the provisions of this chapter as it may be amended from time to time.

(2) A commission shall have the power to sue and be sued in its own name in civil suits and actions and to defend suits against it.

(3) A commission shall have the power to adopt and make use of an official seal and to alter the same at pleasure.

(4) A commission shall have the power to adopt, alter and repeal bylaws, regulations and rules, not inconsistent with the provisions of this chapter, for the regulation and conduct of its affairs and business.

(5) A commission shall have the power to make, execute and perform such contracts, agreements and other instruments and to take such other actions as may be necessary or convenient to accomplish its purposes and perform its duties under the provisions of this chapter, including, without limiting the generality of the foregoing, the power to enter into a contract, on such terms as it shall deem desirable, to grant a license to own, or to have the use of, a horse racing facility, a license to conduct horse racing and pari-mutuel wagering thereon, a license to conduct greyhound racing and pari-mutuel wagering thereon, or any other license or permit to a person meeting the qualifications prescribed by this chapter for such license or permit. Any contract of a commission shall be valid and enforceable with respect to any action which may at any time be authorized by law, even if the authority to perform such action was authorized by a law enacted after the making of such contract.

(6)(5) A commission shall have the power

a. to borrow money from any source, including the sponsoring municipality (which is hereby authorized to lend such money to its related

commission), for the purpose of paying expenses that may be reasonably incurred in carrying out its duties in advance of the receipt of fees, commissions and other moneys payable to it under the provisions of this chapter and

b. to pledge as security for the payment of the principal of and interest on the money so borrowed all or any of such fees, commissions and other moneys, which pledge shall be prior to any and all claims to such fees, commissions and other moneys from any intended recipients of breeding fund fees pursuant to section 11-65-34 hereof or from any intended recipients of the net commission revenues pursuant to section 11-65-36 hereof; provided, however, that no commission shall be entitled, pursuant to this subdivision, to borrow, or to allow to remain outstanding at any time, a principal amount in excess of (i) \$500,000.00 or (ii) the amount which the commission estimates will be its total operating expenses for the next three years, whichever of such amounts is the lesser.

(7)(6) A commission shall establish and maintain a general business office within ~~its sponsoring municipality the commission municipal jurisdiction~~ for the transaction of its business at a place to be determined by such commission. A commission shall meet at such times and places within its sponsoring municipality as it shall determine.

(8)(7) ~~Each A~~ commission shall be vested with supervision and authority over all horse races licensed by it racing and pari-mutuel wagering thereon and all greyhound racing and pari-mutuel wagering thereon that it shall license under the provisions of this chapter and over all persons conducting, participating in or attending such races licensed activities. A commission shall employ such persons to be present at all occasions when licensed activities are conducted and to exercise such duties of surveillance and control as shall be ~~race meetings as are~~ necessary to ensure that they are conducted with order and the highest degree of integrity, ~~and it may require that an operator pay such salaries to such of the commission's employees as it shall prescribe.~~ A commission may eject or exclude from any racing facility where licensed activities are being conducted, racetrack or from any part thereof, any person, whether or not he possesses possessing a permit from the commission, whose conduct or reputation is such that his or her presence may, in the reasonable opinion of the commission or its agents, pose a threat to, interfere with or reflect adversely upon, on the order and honesty and integrity of such licensed activities. By the act of giving any operator a license to conduct activities regulated under this chapter, a commission shall be deemed to have authorized and directed the operator to maintain and enforce, subject to compliance with the rules and regulations of the commission, the same degree of order and integrity which it is the right and duty of the commission to maintain and enforce, including the same right as that of the commission to eject or exclude from the racing facility covered by such license, or from any part thereof, any person, whether or not possessing a permit from the commission, whose conduct or reputation is such that his or her presence may, in the reasonable opinion of the operator or its agents, pose a threat to, interfere with or reflect adversely upon, the order and integrity of the licensed activities conducted by the operator; provided, however, that the commission shall have no liability for any

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actions taken by an operator or its agents with respect to maintaining and enforcing the order and integrity of the licensed activities conducted by such operator. horse racing or interfere with the orderly conduct of horse racing.

(9) From the fees, commissions, fines and other moneys available for the payment of a commission's expenses, the commission shall pay all salaries and other employment expenses of its employees and agents, in whatever capacity or for whatever purpose employed, and whether employed in connection with the regulation and conduct of horse racing, greyhound racing or pari-mutuel wagering, and the commission shall not have the right, whether attempted to be implemented by regulation, order or contract, to require a licensed operator under its jurisdiction to pay, or to reimburse the commission for the payment of, any of the salaries or other employment expenses of the commission's employees and agents; provided, however, that the requirements and limitations of this subdivision (9) shall not be interpreted to diminish the authority of the commission to require any licensed operator to employ, at the expense of the operator, such qualified personnel (the selection and determination of the qualifications of such personnel to be mutually acceptable to the operator and the commission) as shall be reasonably necessary to ensure that all licensed activities conducted by the operator are conducted with order, security and the highest degree of integrity in accordance with the provisions of this chapter and the rules and regulations of the commission.

(10)(8) A commission shall have the power to compel a horse racing facility licensee or an operator to file with the commission such periodic reports, in form and content prescribed by duly adopted rules and regulations of the commission, as shall be reasonably necessary for the enforcement of the provisions of this chapter and the performance of the commission's duties. A commission and its representatives and employees shall visit, investigate and have free access to the office, track, facilities or other place of business of an operator, and may compel the production of any of an operator's books, documents, or records or memoranda for the purpose of satisfying itself to the extent that such materials are relevant to a determination that such operator is truthfully faithfully complying with the provisions of this chapter and the commission's rules and regulations. A commission shall require that there be delivered to it an annual balance sheet and income statement of each operator subject to its jurisdiction and also a copy of any management, concession or other contract to which any such operator is a party. By duly adopted rules and regulations or by specific order entered after appropriate hearings and findings, a commission may require that it be provided the following information or materials:

a. An operator shall provide financial reports, verified by the sworn statement of the operator's chief executive officer or chief financial officer, for such periods as the commission may require showing

(i) the horse racing handle and the commission horse wagering fee for such period.

(ii) the payments, by appropriate categories of wagers, to winning participants in pari-mutuel pools for horse racing during such period,

including accounting for unclaimed, uncashed or abandoned pari-mutuel tickets,

(iii) the purses paid for horse racing during such period,

(iv) the breeding fund fee payable for such period,

(v) the greyhound racing handle and the commission greyhound wagering fee for such period,

(vi) the payments, by appropriate categories of wagers, to winning participants in pari-mutuel pools for greyhound racing during such period, including accounting for unclaimed, uncashed or abandoned pari-mutuel tickets,

(vii) the proceeds of the admission tax levied pursuant to section 11-65-33 and remitted to the sponsoring municipality, and

(viii) such other information concerning the revenues and disbursements of the operator as shall be necessary to verify compliance with the provisions of this chapter concerning horse racing, greyhound racing and pari-mutuel wagering thereon;

provided that the operator shall file with the commission, not less than 90 days after the end of each calendar year, a financial report covering the foregoing information for such year which shall be audited and certified by an independent accounting firm selected by the operator and approved by the commission. Neither a horse racing facility licensee nor an operator shall be required to furnish the commission complete financial statements that disclose the net worth of such licensee or operator, its net income for any period or other confidential information, unless for good cause it can be shown that such information is necessary to enforce compliance with the provisions of this chapter. Any financial information disclosing the net worth or net income of a horse racing facility licensee or an operator, or making it possible to compute the same, which comes into the possession of a commission shall not be public information and shall be protected against public disclosure to the same extent that the state income tax returns of any taxpayer are protected against public disclosure by the provisions of section 40-18-52.

b. In order to enable the commission to monitor and enforce the provisions of this chapter prohibiting the ownership by any disqualified person of an interest in any horse racing facility licensee or an operator, the commission may require such licensee or operator (i) to provide a list of all persons owning any interest therein and identifying those who own more than five percent of the total ownership interest and those, if any, who own more than fifty percent of such ownership interest and (ii) to update such list with changes in ownership at reasonable intervals to be determined by the commission, taking into account whether such ownership interests are publicly owned and traded or whether they are closely held; provided, however, that neither a horse racing facility licensee nor

an operator shall be required to disclose the exact percentage of ownership interest in such licensee or operator held by any person to any extent other than that such interest is five percent or less, more than five percent but less than or equal to fifty percent, or greater than fifty percent.

c. The names and address of all persons from which an operator shall obtain goods and services of any kind having an aggregate value of more than \$10,000 in any single calendar year, together with copies of all written contracts that involve more than a single transaction or the delivery of goods or the performance of services over a period of time.

In any case where a horse racing facility licensee or an operator, pursuant to demand or order of the commission, shall file with the commission, whether voluntarily or under protest, information that such licensee or operator asserts is confidential in a written statement submitted to the commission with such information, then, in such case, if such information is not expressly required to be furnished as public information to the commission by any provision of this chapter, the commission shall protect such information against public disclosure to the same extent that the state income tax returns of any taxpayer are protected against public disclosure by the provisions of section 40-18-52. In no event shall the commission make or allow public disclosure of any information asserted to be confidential by a horse racing facility licensee or an operator, unless such public disclosure shall be ordered by the circuit court of the host county after a hearing in which such licensee or operator shall have had the opportunity to present reasons why it is entitled to a protective order prohibiting or limiting such public disclosure. Nothing contained in this chapter shall be construed to deny access to any information which would otherwise be available to the attorney general, the district attorney or any other law enforcement official in connection with a criminal investigation or prosecution.

(11) Any contract proposed to be entered into by an operator that involves consideration having an aggregate value of \$10,000 or more and that involves more than a single transaction or the delivery of goods or the performance of services over a period of time shall be submitted to the commission before the execution thereof by the operator or within five business days after such execution and shall be subject to the approval of the commission licensing such operator before such contract shall have permanent effect. In approving any contract the commission shall not inquire into or make any judgment regarding the commercial terms of such contract, and its power to disapprove a contract shall be limited to those cases in which it determines that a party to the contract is a disqualified person. Any contract not approved within 30 days of its submission to the commission shall be deemed approved, unless prior to the expiration of such thirty-day period the commission shall adopt a resolution stating that it disapproves the contract because it has reasonable cause for believing that a party to the contract is a disqualified person. A certified copy of such resolution shall be promptly furnished to the operator and to the contracting party whom the commission believes to be a disqualified person, whereupon either the operator or such contracting party, or both, shall have the option of terminating the contract or appealing the action of the commission to the circuit court pursuant to section 11-65-12. In the event that the disapproval of any contract by the commission is not ultimately set aside by the circuit court pursu-

ant to an appeal, the contract shall be valid and lawful for that portion thereof which is performed during the cumulative period, not exceeding 60 days, allowed for the commission's review and disapproval and the operator's appeal of the commission's action.

~~(12)~~⁽⁹⁾ A commission shall adopt and publish reasonable rules, regulations and conditions under which all types of racing subject to its jurisdiction; and pari-mutuel wagering; thereon shall be conducted in its the sponsoring municipality, and such other reasonable regulations as it deems necessary and appropriate to carry out the purposes and provisions of this chapter; provided, however, that no commission shall promulgate rules and regulations which require the disclosure of confidential information concerning the financial affairs and ownership of a horse racing facility licensee or an operator that is not required to be disclosed by the express provisions of this chapter. Such rules and regulations may include reasonable penalties for violations which shall be in the nature of civil and not criminal penalties.

~~(13)~~⁽¹⁰⁾ A commission may issue subpoenas for the attendance of witnesses before it, administer oaths and compel production of records or other documents and testimony of such witnesses whenever such commission finds it necessary and appropriate so to do in order to carry out its duties under this chapter or to enforce the provisions of this chapter or rules or regulations adopted pursuant hereto.

~~(11) A commission shall have the power to compel an owner or operator to file with such commission such information, including, without limitation, financial statements and information relative to stockholders and all others with any pecuniary interest in such licensee as shall appear to such commission to be necessary for the performance of its duties hereunder, and may prescribe the manner in which books and records of an owner or operator shall be kept.~~

~~(14)~~⁽¹²⁾ A commission shall be the primary, but not exclusive, law enforcement agency to enforce the provisions of this chapter, shall investigate all violations of the provisions of this chapter coming to its attention, shall report its investigative findings of all criminal violations of the provisions of this chapter to the district attorney of the host county or to the attorney general of the state when appropriate, and shall have the power to enter into arrangements with any governmental or nongovernmental agency or association for the purposes of exchanging information, establishing security forces or performing or facilitating any other act better action to ensure the proper conduct of horse racing licensed activities under this chapter. The commission shall have the power and duty to maintain the confidentiality of information obtained in its own investigations or received from other law enforcement agencies, all to the extent required by law or agreement with such agencies or as may be deemed necessary or desirable by the commission.

~~(15)~~⁽¹³⁾ A commission shall have the power to demand and obtain for its files the fingerprints of the following persons, which fingerprints may be taken by a representative of a law-enforcement agency of the county, state or federal government, by inspectors of such commission or by such qualified private security agency as such commission may designate:

- a. All members, officers and employees of such commission;
- b. Every person who is an officer, director, partner or other principal of a corporation, partnership or other entity which holds a license from the commission as an owner or operator, and every employee of such a licensee whose duties relate to the horse racing businesses of horse racing or greyhound racing in the sponsoring municipality;
- c. All owners of horses, owners of greyhounds, trainers, jockeys, apprentices, stable or kennel employees, managers, agents, blacksmiths, veterinarians and other persons who actively participate in the racing activities of any operator; and
- d. All other persons whose relationship to horse racing or greyhound racing or and wagering activities under the jurisdiction of such the commission is of such nature that such the commission, in the exercise of reasonable judgment, believes that it would be prudent to obtain the fingerprints of such persons.

~~(16)~~(14) A commission shall report annually to the governing body of its sponsoring municipality and to such state and federal authorities as shall be required by law.

~~(17)~~(15) Except as otherwise provided in subdivisions (10) and (12) of this section 11-65-10, All books, records, maps, documents and papers of a commission, including those filed with such commission as well as those prepared by or for it, shall at all times be open for the personal inspection of any officer of the state, the sponsoring municipality or the host county or any official investigative body or committee of any thereof, and no person having charge or custody thereof shall refuse this right to any officer or investigative body or committee, and it shall be the express duty of such person to assist such officer or committee in locating records or information. If any member of a commission violates the provisions of this subdivision, he or she shall be subject to removal from office.

~~(18)~~(16) Subject to the provisions of section 11-65-11, a commission shall appoint an executive secretary, a treasurer (subject, in the case of the treasurer, to the provisions of section 11-65-9) and such other employees as it deems essential to perform its duties under this chapter. Such employees shall possess such authority and perform such duties as the commission shall prescribe or delegate to them. Such employees may include stewards for horse racing, judges for greyhound racing, chemists, veterinarians, inspectors, accountants, guards and such other employees deemed by the commission to be necessary for the supervision and the proper conducting of horse racing and greyhound racing in accordance with the highest standards, of horse racing. Such employees shall be compensated as provided by the commission.

~~(19)~~(17) The executive secretary of a commission, in addition to any other duties prescribed by such commission, shall keep a true and full record of all proceedings of such commission and shall and preserve at such the commission's general office all books, documents and papers of such the

~~commission, and shall cause such record of all such proceedings to be published, at such commission's expense, in a newspaper of general circulation in the sponsoring municipality, excluding legal publications, within 10 days after the date of any such proceeding.~~

~~(20)(18)~~ A commission shall have the authority to employ legal counsel of its choice to advise such the commission and represent it in all proceedings. The compensation of such counsel shall be paid out of the funds of such the commission.

~~(21)(19)~~ A commission shall have the power to use its funds for the purpose of promoting tourism and horse racing in the sponsoring municipality and attendance at a licensed racing facility. A commission shall have the authority (i) to expend funds to promote tourism and attendance at horse racing and greyhound racing events under its jurisdiction and (ii) to appropriate, pledge and pay funds to the sponsoring municipality or the host county, in a single year or for a term of years, for the reimbursement of costs at any time incurred by the sponsoring municipality or the host county (including an allowance for interest on such costs at the rate of eight percent per annum from the date such costs were incurred to the date of reimbursement) in providing roads, bridges, lighting, drainage, water mains, sewers and other public improvements that, in whole or in part, serve racing facilities under the commission's jurisdiction or, alternatively, the reimbursement of installments of principal of and interest on debt at any time incurred by the sponsoring municipality or the host county to pay the costs of such improvements. As a condition to any agreement or undertaking by a commission to make any appropriation, pledge or payment pursuant to clause (ii) of the preceding sentence, the governing body of the sponsoring municipality or the host county, as the case may be, shall adopt a resolution addressed to such commission requesting the reimbursement of the costs of specified improvements or the reimbursement of debt service on debt incurred to pay the costs of specified improvements, and such resolution shall be submitted to such commission together with a verified statement of the mayor of the sponsoring municipality or the president of the county commission of the host county, as the case may be, showing the costs of the improvements, the dates on which such costs were respectively incurred, and, if reimbursement for debt service is requested, the principal amount of debt in question and the date it was incurred, the principal maturities of such debt, the rate or rates of interest borne by such debt, and any agreements providing for the payment of any portion of such costs or debt service by any other entities, whether public or private. A commission shall determine, in the exercise of its discretion, whether to comply with any such request for reimbursement, in whole or in part, and subject to compliance with the conditions of this subdivision (21), such commission shall have all necessary authority to enter into such agreements as shall be necessary to assure the performance of such reimbursement obligations as it agrees to undertake. If a private entity has a valid and enforceable obligation to pay any portion of such costs or debt service, a commission shall not reimburse the sponsoring municipality or the host county, as the case may be, for the portion of such costs or debt service for which such private entity shall be obligated, and if a public entity has a valid and enforceable obligation to pay any portion of such costs or debt service, a commission shall make such arrangements as shall assure that any reimbursement to, or for the account of,

the sponsoring municipality or the host county for any portion of such costs or debt service paid by such public entity shall be remitted to such public entity in order to avoid duplicate reimbursement of the same amount to the sponsoring municipality or the host county. All expenditures, appropriations and payments made by a commission pursuant to this subdivision (21) shall be deemed to be expenses incurred by such commission in the administration and performance of its duties under this chapter and shall be deducted as a prior charge before determining the net commission revenues of such commission; provided, however, that the total amount of all expenditures, appropriations and payments made by a commission pursuant to this subdivision (21) during any calendar year shall not exceed 25 percent of the aggregate amount of commission horse wagering fees and commission greyhound wagering fees received by such commission during that calendar year.

~~(21)(20)~~ A commission shall have an independent accounting firm, which is approved by a majority of the members of the commission, prepare an annual certified financial report statement, as of the close of each fiscal year, detailing all income, expenses and disbursements of whatsoever nature without limitation and including all expenditures and disbursements made pursuant to sections 11-65-7, 11-65-9, 11-65-34 and 11-65-36. Such report shall be a public record and open shall be available during normal business hours to for examination and copying by the public. Copies of such report shall be made available upon request at a cost not exceeding the cost of reproducing such report. Such commission is authorized to charge rates not to exceed costs for copying."

Section 11. Review of Commission Action. Section 11-65-12, Code of Alabama 1975, is hereby amended to read as follows:

"§11-65-12. Review of commission action.

Any person aggrieved by a the refusal of a commission to issue any license or permit, or the suspension or revocation of a license or permit, the imposition of a fine, the disapproval of a contract, or any other action or failure of action by of the commission, may, within ~~30~~ 60 days of such action or failure of action, appeal to the circuit court of the host county. If such court finds that the action of such commission, or its failure to take action, was arbitrary, unreasonable or contrary to the provisions of this chapter, it shall order the issuance or reinstatement of such license or permit, the abatement of such fine, the approval of such contract, or such other remedial action as it deems appropriate in the circumstances. The decision of such court shall be subject to appeal as in other cases at law."

Section 12. Commission Licenses Required for Certain Activities; Conditions Relating to Award and Use of Licenses. Section 11-65-14, Code of Alabama 1975, is hereby amended to read as follows:

"§11-65-14. Commission ~~L~~licenses required for certain activities ~~owners and operators of horse racetracks; conditions relating to award and use of~~ licenses.

(a) No person shall construct or establish a horse racetrack or racing facility where horse races ~~race meetings~~ are to be held and pari-mutuel wagering

permitted, or own, lease, or otherwise have the use and enjoyment of, any such racetrack or racing facilities in the commission municipal jurisdiction sponsoring municipality, unless such person he has obtained an owner's a horse racing facility license issued by a commission in accordance with the provisions of this chapter, which license, when granted or transferred to the holder thereof, shall authorize the such holder thereof to construct, establish, and own, lease, or otherwise have the use and enjoyment of, in the sponsoring municipality a horse racetrack or racing facility in the commission municipal jurisdiction where horse races race meetings are can be lawfully held and pari-mutuel wagering thereon permitted, all subject to and in compliance with the provisions of this chapter.

(b) No person shall conduct any pari-mutuel wagering on horse races, operate pari-mutuel wagering or conduct any race meeting horse races at which wagering of any kind is permitted with such person's his knowledge or acquiescence, in the sponsoring municipality commission municipal jurisdiction unless such person he has obtained an operator's license to conduct horse racing and pari-mutuel wagering thereon under the provisions of this chapter, which license, when granted or transferred to the holder thereof, shall authorize the such holder thereof to conduct horse racing and operate pari-mutuel wagering thereon or conduct a race meeting at which pari-mutuel wagering is permitted in the commission municipal jurisdiction sponsoring municipality at the racing facility covered by such license, all subject to and in compliance with the provisions of this chapter. No horse racing operator licensed by a commission shall be required to obtain a horse racing facility license or any other license from the commission with respect to the ownership or use of any racing facility in order to conduct horse racing and pari-mutuel wagering thereon at the facility covered by such operator's license.

(c) No person shall conduct any pari-mutuel wagering on greyhound races or any other kind of dog races, or conduct any dog races at which wagering of any kind is permitted with such person's knowledge or acquiescence, in the commission municipal jurisdiction unless such person has obtained an operator's license to conduct greyhound racing and pari-mutuel wagering thereon under the provisions of this chapter, which license, when granted or transferred to the holder thereof, shall authorize such holder to conduct greyhound racing and pari-mutuel wagering thereon in the commission municipal jurisdiction at the racing facility covered by such license, all subject to and in compliance with the provisions of this chapter. No greyhound racing operator licensed by a commission shall be required to obtain a horse racing facility license or any other license from the commission with respect to the ownership or use of any racing facility in order to conduct greyhound racing and pari-mutuel wagering thereon at the facility covered by such operator's license.

(d) As licensed and regulated by a commission under the provisions of this chapter, horse racing and pari-mutuel wagering thereon and greyhound racing and pari-mutuel wagering thereon shall be separate activities which, subject to the rules, regulations and orders of the commission, may be conducted at the same racing facility. A commission shall permit an operator holding both a license for horse racing and a license for greyhound racing to schedule both kinds of racing at different times on the same racing day or to schedule only one kind of racing on any given racing day, as in the judgment of such operator may be most eco-

nomically advantageous. A commission may not require a greyhound racing operator to conduct horse racing to any extent as a condition of maintaining its license for greyhound racing and pari-mutuel wagering thereon in good standing or, alternatively, require a horse racing operator to conduct greyhound racing to any extent as a condition of maintaining its license for horse racing and pari-mutuel wagering thereon in good standing.

(e) No license issued under the provisions of this chapter shall be transferable without the approval of the commission which issued such license;. The commission's review of any proposed transfer of a license and its approval or disapproval thereof shall be subject to rules and regulations adopted by the commission, but approval for the transfer of any license shall not be unreasonably withheld. No transfer of any license shall be approved by the commission unless the proposed transferee of such license satisfies all qualifications and requirements that would be applicable to the original recipient of such license under this chapter. such approval to be given or withheld under rules and regulations adopted by such commission."

(f) When presented with the opportunity of issuing or transferring any license under the provisions of this chapter, whether a horse racing facility license, an operator's license for horse racing and pari-mutuel wagering thereon or an operator's license for greyhound racing and pari-mutuel wagering thereon, a commission, in the exercise of its judgment and discretion, may determine the conditions under which applicants shall be allowed or induced to apply for such license, which conditions may involve, without limitation, (i) a public and open competition in which all interested persons shall be encouraged and permitted to submit applications or (ii) a controlled selection process in which only one applicant having particular qualifications will be evaluated by the commission and given an exclusive right to apply for and be awarded such license, subject to such applicant's fulfillment of all qualifications and conditions required by the provisions of this chapter for the award of such license. The legislature expressly authorizes a commission, both retroactively and prospectively, to grant, and to contract to grant and transfer, licenses on an exclusive basis to a single prospective licensee, without allowing competition from other persons who might be interested in such licenses, in circumstances where the racing activities under the jurisdiction of the commission have been disrupted by severe and protracted financial and managerial difficulties of the commission's prior licensees and there is a need to grant or transfer licenses to one or more persons having particular qualifications in order to implement a plan to put such racing activities on a new financial basis with new management, including, without limitation, a plan for reorganization under the bankruptcy laws of the United States. The legislature hereby expressly authorizes, ratifies and confirms the right and authority of a commission to enter into a valid and enforceable contract to grant to a prospective licensee a license to operate greyhound racing and pari-mutuel wagering thereon, and to protect such license from the future issuance of competing licenses for both horse racing and greyhound racing, without considering other applicants for such license, in furtherance of a plan of reorganization which depends upon the projected financial benefits of greyhound racing and pari-mutuel wagering thereon under the management of such prospective licensee, even though the commission entered into such contract prior to (i) the enactment of amendments to this chapter which, subject to compliance with the election requirements of

§11-65-4, authorize the commission to license and regulate greyhound racing and pari-mutuel wagering thereon and (ii) the approval of the commission's authority to license and regulate greyhound racing and pari-mutuel wagering thereon by the voters of the host county and the commission municipal jurisdiction in an election held pursuant to subsection (b) of section 11-65-4. Such contract shall be valid from the date of its execution and delivery, but the obligation thereunder of the commission to grant a license for greyhound racing and pari-mutuel wagering thereon shall not be enforceable until the voters of the host county and the commission municipal jurisdiction shall have authorized the commission to license and regulate greyhound racing and pari-mutuel wagering thereon in an election held pursuant to subsection (b) of section 11-65-4. Nothing contained in this subsection (f) with respect to the retroactive validation of a commission's contract to issue a license for greyhound racing and pari-mutuel wagering thereon shall be construed to limit the right and duty of the commission to deny the award of the license pursuant to such contract if the commission reasonably and in good faith determines that the prospective licensee does not meet the qualifications established by this chapter for the award of the license."

Section 13. Application for Horse Racing Facility License. Section 11-65-15, Code of Alabama 1975, is hereby amended to read as follows:

"11-65-15. Application for horse racing facility racetrack owner's license.

Any person desiring to construct or own a racetrack at which pari-mutuel wagering is permitted obtain a horse racing facility license through issuance thereof by a commission, or through transfer of an outstanding license, shall file with the appropriate commission an application for such an owner's license. Such application shall be filed at the time and place prescribed by such commission and shall be in such form and contain such information as may be prescribed by such commission, including the following:

(1) The name and address of such person; if a corporation, the state of its incorporation and the full name and address of each officer and director thereof; if a foreign corporation, whether it is qualified to do business in the state; and if a partnership or joint venture, the name and address of each general partner thereof;

(2) The name, and every address for the period of five years immediately preceding the date of such application, of each stockholder or member of such corporation, or each general partner of such partnership or joint venture, and of each person who has contracted for a pecuniary financial interest in the applicant or the horse racing facility to be licensed, facilities at which such race meeting or pari-mutuel wagering will be conducted; whether such interest will be an ownership or a security interest, and the nature and value of such interest, and the name and address of each person who has agreed to lend money to the applicant; provided that if the applicant proposes to arrange further financing, subsequent to the award of an owner's a horse racing facility license, through a sale of stock, partnership interests or other equity interests, the issuance of debt securities, the entering into of financing leases or otherwise borrowing money, then, in such case, such commission may grant a horse racing facility an owner's license which sets forth conditions to be met in

arranging such further financing or which reserves to such commission the right to approve any or all aspects of such further financing;

(3) Such information as ~~such~~ the commission deems appropriate regarding the character and responsibility of the applicant and the members, partners, stockholders, officers and directors of the applicant;

(4) With respect to any racing facility that is not at the time subject to a horse racing facility license, the location and description of the racetrack, place or enclosure horse racing facility for which the where such applicant proposes to obtain a license; hold race meetings; provided that such the commission may require such information about the facilities such facility and the location thereof, of the track, including preliminary architectural plans, as it deems necessary and appropriate to determine whether such facility is suitable and they comply with the minimum standards established by the commission pursuant to provided in this chapter, and whether the conduct of horse racing and pari-mutuel wagering thereon race meetings at such location would be in the best interests of the people of the state;

(5) Such information relating to the financial responsibility of the applicant as ~~such the~~ the commission deems appropriate;

(6) If the horse racing facility to be licensed, or any part thereof, is to be leased or the use thereof to be made available to any person other than the applicant under a contract or other legal arrangement, any of the facilities necessary for the conduct of racing or pari-mutuel wagering are to be leased, the terms of such lease, contract or other legal arrangement; and

(7) Any other information which ~~such the~~ the commission in its discretion deems appropriate.

Anything contained in this section 11-65-15 to the contrary notwithstanding, an applicant shall not be required to disclose, in connection with an application for a horse racing facility license, any confidential financial information, or any information concerning the exact percentage of ownership interests in such applicant held by various persons, that it would be entitled, as a licensee of the commission, to keep confidential under the provisions of subdivision (10) of section 11-65-10, and to the extent that any such information is furnished to the commission by such applicant, or otherwise comes into the possession of the commission, it shall be kept confidential and shall be protected from public disclosure to the same extent as confidential information concerning a licensee is required to be protected from public disclosure pursuant to said subdivision (10).

Any application for the issuance or transfer of a horse racing facility license filed hereunder shall be verified by the oath or affirmation of an officer of the applicant; and shall be accompanied by a nonrefundable fee of \$15,000.00; provided, however, that the nonrefundable fee for submitting an application for the issuance or transfer of a horse racing facility license shall be reduced to \$5,000.00 in those cases where the applicant is the holder of an operator's license to conduct horse racing and pari-mutuel wagering thereon at the racing facility or, simultaneously with the submission of such application, the applicant submits

an application for the issuance or transfer of such an operator's license."

Section 14. Review of Application for Horse Racing Facility License.
Section 11-65-16, Code of Alabama 1975, is hereby amended to read as follows:

"§11-65-16. Review of application for horse racing facility owner's license.

(a) A commission shall promptly consider any application for the issuance or transfer of an owner's a horse racing facility license submitted to it and shall grant or deny the issuance or transfer of such license based on all information before it, including the results of investigations it deems appropriate. A commission shall deny a the issuance of an original horse racing facility license to any applicant unless it finds that the applicant's facilities will meet the following minimum standards:

(1) That the facilities will provide a track racing surface of at least one mile;

(2) That the facilities will be appropriate for the conduct of horse racing year-round racing and at night racing; and

(3) That the facilities will be located within the corporate limits of the sponsoring municipality boundaries of the commission municipal jurisdiction or will be located on land in the host county and annexed thereto to the sponsoring municipality prior to the commencement of racing.

(b) A commission shall deny a the issuance or transfer of a horse racing facility license to any applicant unless it finds that at more than 50 percent of both the least 51 percent of the persons having a direct ownership interest and the voting interest in the applicant (and the applicant's general partner in the event the applicant is a limited partnership) is owned, directly or indirectly, by persons who have a substantial presence in the state. For purposes of this subsection (b), a person has shall be deemed to have a substantial presence in the state under any of the following circumstances:

(1) If a natural person, then such person has been domiciled in the state for at least 12 consecutive months prior to the date of the application for a license;

(2) If a corporation, then such corporation is incorporated under Title 10, Code of Alabama 1975, or is incorporated under a comparable law or laws of another state and is licensed or qualified to do business in the state and, in addition, satisfies one of the following alternative sets of conditions:

a. such corporation has maintained its principal place of business, and has actively done business, in the state for at least 12 consecutive months prior to the date of application for a license, since January 1, 1985, as evidenced either by the employment of at least 100 employees in the state or by the employment of \$500,000.00 in assets held in the state during such period; or

b. more than 50 percent of both the ownership interest and the voting

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interest in such corporation is owned, directly or indirectly, by natural persons described in subdivision (b)(1) of this section, or by one or more corporations described in subdivision (b)(2) a of this section, or by any combination of such natural persons and corporations;

(3) If a limited partnership, then such limited partnership is formed or registered under Title 10, Code of Alabama 1975, and has maintained its principal place of business ~~in the state since January 1, 1985, or has maintained and~~ at least 50 percent of its assets in the state ~~since January 1, 1985, for at least 12 consecutive months prior to the date of application for the license,~~ and its general partner has maintained its principal place of business or residence in the state for at least 12 consecutive months prior to the date of such application; since January 1, 1985;

(4) If a general partnership, then such partnership has maintained its principal place of business ~~in the state since January 1, 1985, or has maintained and~~ at least 50 percent of its assets in the state ~~since January 1, 1985 for at least 12 consecutive months prior to the date of application for the license;~~

(5) If a financial institution, then such financial institution is a ~~person, firm,~~ corporation or any other legal entity whatsoever doing business in the state as a ~~bank,~~ national banking association, ~~bank,~~ state banking corporation, ~~association,~~ trust company, industrial or other loan company, ~~or~~ building and loan association, or insurance company and has maintained its principal place of business in the state ~~since January 1, 1985 for at least 12 consecutive months prior to the date of application for the license;~~

(6) If a trust or custodianship, then at least 50 percent of the corpus of such trust or custodianship is situated in the state and the trustee or custodian of such property has a substantial presence in the state under any of the standards set forth in this subsection (b); or

(7) If an estate, then such estate is the estate of a person described in subdivision (b)(1), or at least 50 percent of the property of such estate consists of real estate located in the state or tangible personal property which has been located within the state since January 1, 1985 for at least 12 consecutive months prior to the date of application for the license.

(c) The provisions of this section which permit a horse racing facility an owner's license to be granted ~~to an owner~~ only if more than 50 percent of both the ownership interest and the voting interest in the licensee is owned, directly or indirectly, by at least 51 percent of the persons having a direct ownership interest in the applicant who have a substantial presence in the state shall not be construed (1) to impair the foreclosure rights of any mortgagee holding a mortgage on the racing facilities of such licensee owner securing debt incurred to finance the costs of constructing or purchasing such racing facilities or (2) to impair the rights of any mortgagee holding such a mortgage, or the rights of any other person, ~~corporation or other legal entity~~ to which such racing facilities may be sold in foreclosure, to take and hold title to such racing facilities, to lease or sell the same, and to apply for and receive a horse racing facility an owner's license therefor from the commission upon compliance with all other applicable provisions

of this chapter, irrespective of whether the aforesaid condition of substantial presence in the state shall be satisfied by ~~51 percent of the persons owning, directly or indirectly, more than 50 percent of both the each having an ownership interest and the voting interest in such mortgagee or an ownership interest in any person a corporation or other legal entity to which such racing facilities shall be sold, as the case may be.~~

(d) A commission shall deny the issuance or transfer of a horse racing facility ~~a~~ license to an applicant if it finds that for any reason the issuance ~~or transfer~~ of ~~a~~ such license to such applicant would not be in the interests of the people of the sponsoring municipality; or that the applicant, or any officer, general partner or director of the applicant, ~~(i) is a disqualified person, (ii) (1) Has knowingly made a false statement of a material fact in the application or has deliberately failed to disclose any information called for in the application; or (iii) (2) or has been guilty of any corrupt or fraudulent act, practice or conduct in connection with any horse race meeting in the state or any other state; (3) Has had a license or permit to hold or conduct a horse race meeting denied for just cause, suspended or revoked in any other state or country; or (4) is not qualified to do business in the state; or is not subject to the jurisdiction of the courts of the state."~~

Section 15. Terms of Horse Racing Facility License. Section 11-65-17, Code of Alabama 1975, is hereby amended to read as follows:

"§11-65-17. Terms of owner's horse racing facility license.

(a) A horse racing facility ~~An owner's~~ license issued under this chapter shall be for a period of 20 years, but shall be reviewed annually. A commission issuing such ~~an owner's~~ license shall state therein the person to whom such license is issued, the duration of such license, the location of the proposed racetrack, racing facility thereby licensed to be used for horse racing, and such other conditions of the license and related information as such ~~the~~ commission shall deem proper. It shall be the policy of each commission to permit widespread ownership of stock or limited partnership interests in a corporation or partnership holding an owner's license and owning a racetrack facility. A commission shall have no power to modify the terms of a horse racing facility license, once issued, without the prior written consent of the holder of such license. A horse racing facility license shall be revocable by the commission only if the holder thereof shall not be in compliance with the provisions of this chapter or the valid rules, regulations and orders of the commission and such noncompliance shall have continued for 60 days after written notice shall be given to such holder by the commission stating the circumstances of noncompliance and demanding corrective action.

(b) While any horse racing facility ~~owner's~~ license or licenses theretofore issued by a commission shall remain in effect, such commission shall not issue (1) any other horse racing facility ~~owner's~~ license with respect to the racing facility racetrack covered by the holder's ~~owner's~~ license or licenses already in effect, or (2) any other horse racing facility ~~owner's~~ license covering any other racing facility racetrack to be located in the sponsoring municipality commission municipal jurisdiction or (3) any license permitting the holder thereof to conduct horse racing and pari-mutuel wagering thereon or greyhound racing and pari-mutuel wagering thereon in the commission municipal jurisdiction or to own or operate

any facility for horse racing or greyhound racing in the such jurisdiction, without, in either any such case, the duly authorized consent of the holder or holders of all horse racing facility owner or owners holding all owner's licenses already in effect, which consent shall be obtained in writing prior to the issuance of any such other owner's license.

(c) Any provisions of this chapter or any other law to the contrary notwithstanding, a commission may, at the time of the issuance of a horse racing facility license ~~an owner's license to an owner~~ or at any time thereafter, enter into a contract with such owner ~~the holder of such license~~ establishing restrictive conditions under which such commission may license any racing facility, whether for horse racing or greyhound racing, racetracks that would compete with the racing facility racetrack covered by the license of such holder owner, which conditions may, in the discretion of such the commission, preclude the licensing of any competing racing facility racetracks while such holder's owner's license shall remain in effect. The provisions of any such contract between a commission and a horse racing facility licensee ~~an owner~~ shall be deemed to be a part of the terms and conditions of the owner's license granted to such owner licensee. Without in any way limiting the nature of the consideration that might be given by a licensee ~~an owner~~ to make such contract binding, the obligations (including any future obligations) of any operator using the racing facility racetrack covered by such owner's license to pay the state horse wagering fee and the commission horse wagering fee, together with the economic benefits to be derived by the state and such commission and its sponsoring municipality from the establishment and continued operation of a racing facility racetrack, shall be deemed sufficient consideration to make such contract binding upon the such commission and any state racing commission. Any such contract between a commission and a horse racing facility licensee ~~an owner~~ shall be binding upon such commission and any state racing commission at any time exercising jurisdiction over such commission or such licensee ~~owner~~ and shall not be impaired by any subsequent action of such commission or such state racing commission or by any act of the legislature of Alabama which, through the authorization of another licensing entity or by any other means, would permit or encourage the establishment and operation of a competing racetrack racing facility in contravention of such contract.

(d) A commission may require a bond with surety acceptable to it in an amount ~~determined by it to be sufficient to cover the maximum secure payment of any indebtedness anticipated to be incurred by the a horse racing facility licensee to such commission in any year, but such bond shall not for any reason be set by the commission at an amount greater than the amount of indebtedness to be secured thereby.~~ The amount of such bond may be adjusted from time to time as such commission may require.

~~Each commission may require the licensee to pay such commission a license fee of \$2,000.00 per month for a period beginning six months from the date of issuance of the owner's license to the date of the beginning of operation of the related racetrack. The license fee shall be used by the commission for operating expenses prior to the beginning of operation of the racetrack."~~

Section 16. Application for Operator's License. Section 11-65-18, Code of Alabama 1975, is hereby amended to read as follows:

"§11-65-18. Application for racetrack operator's license.

Depending upon the licensing authority granted a commission by elections held pursuant to subsection (a) or (b) of section 11-65-4, a commission shall be empowered to grant operator's licenses for horse racing and pari-mutuel wagering thereon or for greyhound racing and pari-mutuel wagering thereon. Any corporation, partnership or other business entity desiring to obtain (i) an operator's license to conduct horse racing and pari-mutuel wagering thereon at a racing facility located in the commission municipal jurisdiction or (ii) an operator's license to conduct greyhound racing and pari-mutuel wagering thereon at a racing facility located in the commission municipal jurisdiction, either through issuance of such license by a commission or transfer of an outstanding license, hold race meetings at which pari-mutuel wagering is permitted shall file with the appropriate commission an application for an operator's such license. Such application may, but need not, be made in conjunction with an application for an owner's a horse racing facility license. Operator's licenses shall separately authorize only the designated activity for which they were issued, but operator's licenses for both horse racing and greyhound racing may be granted to the same licensee. Applications for both kinds of licenses may be submitted by an applicant at the same time, and in such case the commission shall review and decide both applications together. It An application for an operator's license shall be filed at the time and place prescribed by the commission and shall be in such form and contain such information as may be prescribed by the commission, including all information required for an owner's license under this chapter: the following:

(1) A statement identifying the kind of license for which application is being made, whether for horse racing and pari-mutuel wagering thereon or greyhound racing and pari-mutuel wagering thereon, which statement may simply result from the use of the application form prescribed by the commission for the license in question.

(2) The name and address of the applicant; if a corporation, the state of its incorporation and the full name and address of each officer and director thereof; if a foreign corporation, whether it is qualified to do business in the state; and if a partnership or joint venture, the name and address of each general partner thereof;

(3) The name, and every address for the period of five years immediately preceding the date of such application, of each stockholder or member of such corporation, or each general partner of such partnership or joint venture, and of each person who has contracted for a financial interest in the applicant or the racing facility where the racing and wagering activities of the applicant will be conducted, whether such interest will be an ownership or a security interest, and the nature and value of such interest, and the name and address of each person who has agreed to lend money to the applicant; provided that if the applicant proposes to arrange further financing, subsequent to the award of an operator's license, through a sale of stock, partnership interests or other equity interests, the issuance of debt securities, the entering into of financing leases or otherwise borrowing money, then, in such case, the commission may grant an operator's license which sets forth conditions to be met in arranging such further financing or which reserves to such commission the right to approve

any or all aspects of such further financing;

(4) Such information as the commission deems appropriate regarding the character and responsibility of the applicant and the members, partners, stockholders, officers and directors of the applicant;

(5) The location and description of the racing facility where the applicant proposes to conduct the activity covered by the operator's license for which application is being made; provided that the commission may require such information about such facility and the location thereof, including preliminary architectural plans, as it deems necessary and appropriate to determine whether such facility is suitable and complies with the standards established by the commission pursuant to this chapter, and whether the conduct of horse racing and pari-mutuel wagering thereon or greyhound racing and pari-mutuel wagering thereon, as the case may be, at such location would be in the best interests of the people of the state;

(6) Such information relating to the business experience and financial responsibility of the applicant as the commission deems appropriate; and

(7) Any other information which the commission in its discretion deems appropriate.

Anything contained in this section 11-65-18 to the contrary notwithstanding, an applicant shall not be required to disclose, in connection with an application for an operator's license, any confidential financial information, or any information concerning the exact percentage of ownership interests in such applicant held by various persons, that it would be entitled, as a licensee of the commission, to keep confidential under the provisions of subdivision (10) of section 11-65-10, and to the extent that any such information is furnished to the commission by such applicant, or otherwise comes into the possession of the commission, it shall be kept confidential and shall be protected from public disclosure to the same extent as confidential information concerning a licensee is required to be protected from public disclosure pursuant to said subdivision (10).

Any application for the issuance or transfer of an operator's license, whether for horse racing or greyhound racing, filed hereunder shall be verified by the oath or affirmation of an officer of the applicant and shall be accompanied by a nonrefundable fee of \$10,000.00."

Section 17. Review of Application for Operator's License. Section 11-65-19, Code of Alabama 1975, is hereby amended to read as follows:

"§11-65-19. Review of application for operator's license.

(a) A commission shall promptly consider any application for the issuance or transfer of an operator's license submitted to it and shall grant or deny the issuance or transfer of such license based on all information before it, including the results of any investigations it deems appropriate. A commission shall deny a license to any applicant unless it finds as follows:

(1) That such applicant is a business entity, whether a corporation, partnership or other kind of organization, possessing the organizational substance, financial soundness, managerial capability and business experience with racing and pari-mutuel wagering operations, or with businesses requiring similar managerial experience and skill, that, in the reasonable judgment of the commission, are necessary to conduct horse racing and pari-mutuel wagering thereon or greyhound racing and pari-mutuel wagering thereon, as the case may be, at the location for which an operator's license is being sought; corporation organized under Title 10 or comparable law or laws of another state, and qualified to do business in the state;

(2) That the racing facility which is to be the location of the applicant's prospective operations will be suitable for its intended purposes, whether horse racing and pari-mutuel wagering thereon or greyhound racing and pari-mutuel wagering thereon or both, and can be reasonably expected to provide the physical plant and location necessary for a successful operation, taking into account projected capital and operating costs, capacity, access, public appeal and other relevant factors; applicant would be qualified, under the provisions of this chapter, for a license to own the racetrack facilities at which it desires to hold a race meeting;

(3) That the applicant shall have made, or shall have committed to make, arrangements satisfactory to such the commission for the detection and prosecution of any corrupt or fraudulent act, practice, or conduct in connection with all licensed activities, any race meeting; including utilization of the services of a protective agency acceptable to such the commission; and

(4) That the applicant ~~shall have obtained and committed to maintain membership in such racing associations (as, for example, the Thoroughbred Racing Association or the United States Harness Association) as such commission finds necessary or desirable to assist an operator to operate race meetings; and has a business plan for conducting horse racing and pari-mutuel wagering thereon or greyhound racing and pari-mutuel wagering thereon or both, as the case may be, in accordance with high standards of security, service and accommodation to the public, as well as in accordance with such standards of the industry, whether horse racing or greyhound racing, that the commission reasonably considers to be appropriate for operations of the nature planned by the applicant, taking into account the size, location and other relevant characteristics of the sponsoring municipality and its surrounding area.~~

(b)(5) A commission shall deny the issuance or transfer of an operator's a license to any applicant unless it finds that at least 51 more than 50 percent of both the persons having a direct ownership interest and the voting interest in the applicant (and the applicant's general partner in the event the applicant is a limited partnership) is owned, directly or indirectly by persons who have a substantial presence in the state. For purposes of subdivision (5), this subsection (b), a person has shall be deemed to have a substantial presence in the state under any of the following circumstances:

(1)a. If a natural person, then such person is has been domiciled in the state for at least 12 consecutive months prior to the date of the application for a license;

(2)b: If a corporation, then such corporation is incorporated under Title 10, Code of Alabama 1975, or is incorporated under a comparable law or laws of another state and is licensed or qualified to do business in the state and, in addition, satisfies one of the following alternative sets of conditions:

a. such corporation has maintained its principal place of business, and has actively done business, in the state since January 1, 1985, for at least 12 consecutive months prior to the date of application for a license, as evidenced either by the employment of at least 100 employees in the state or by the employment of \$500,000.00 in assets held in the state during such period; or

b. more than 50 percent of both the ownership interest and the voting interest in such corporation is owned, directly or indirectly, by natural persons described in subdivision (b)(1) of this section, or by one or more corporations described in subdivision (b)(2) a of this section, or by any combination of such natural persons and corporations;

(3) c: If a limited partnership, then such limited partnership is formed or registered under Title 10, Code of Alabama 1975, and has maintained its principal place of business in the state since January 1, 1985, ~~or has maintained and~~ at least 50 percent of its assets in the state since January 1, 1985, for at least 12 consecutive months prior to the date of application for the license, and its general partner has maintained its principal place of business or residence in the state since January 1, 1985 for at least 12 consecutive months prior to the date of such application;

(4) d: If a general partnership, then such partnership has maintained its principal place of business in the state since January 1, 1985, ~~or has maintained and~~ at least 50 percent of its assets in the state since January 1, 1985 for at least 12 consecutive months prior to the date of application for the license;

(5) e: If a financial institution, then such financial institution is a ~~person, firm, corporation or any other~~ legal entity ~~whatsoever~~ doing business in the state as a bank, national banking association, ~~bank, state banking corporation, association,~~ trust company, industrial or other loan company, ~~or building and loan association, or insurance company~~ and has maintained its principal place of business in the state since January 1, 1985 for at least 12 consecutive months prior to the date of application for the license;

(6) f: If a trust or custodianship, then at least 50 percent of the corpus of such trust or custodianship is situated in the state and the trustee or custodian of such property has a substantial presence in the state under any of the standards set forth in this subsection (b) ~~subdivision (5); or~~

(7) g: If an estate, then such estate is the estate of a person described in ~~paragraph (5)a subdivision (b)(1),~~ or at least 50 percent of the property of such estate consists of real estate located in the state or tangible personal property which has been located within the state since January 1, 1985 for at least 12 consecutive months prior to the date of application for the license.

(c) The provisions of this section which permit an operator's license to be granted only if more than 50 percent of both the ownership interest and the voting interest in the licensee is owned, directly or indirectly, by persons who have a substantial presence in the state shall not be construed (1) to impair the foreclosure rights of any mortgagee holding a mortgage on any racing facility owned, leased or otherwise used by such licensee that secures debt incurred to finance the costs of constructing or purchasing such racing facility or (2) to impair the rights of any mortgagee holding such a mortgage, or the rights of any other person, to which such racing facility may be sold in foreclosure, to take and hold title to such racing facility, to lease or sell the same, and to apply for and receive an operator's license from the commission to conduct racing and pari-mutuel wagering activities at such racing facility upon compliance with all other applicable provisions of this chapter, irrespective of whether the aforesaid condition of substantial presence in the state shall be satisfied by persons owning, directly or indirectly, more than 50 percent of both the ownership interest and the voting interest in such mortgagee or in any person to which such racing facility shall be sold, as the case may be.

(d) A commission shall deny the issuance or transfer of an operator's license to an applicant if it finds that for any reason the issuance or transfer of such license to such applicant would not be in the interests of the people of the sponsoring municipality or that the applicant, or any officer, general partner or director of the applicant, (i) is a disqualified person, (ii) has knowingly made a false statement of a material fact in the application or has deliberately failed to disclose any information called for in the application, or (iii) is not qualified to do business in the state or is not subject to the jurisdiction of the courts of the state."

Section 18. Terms of an Operator's License. Section 11-65-20, Code of Alabama 1975, is hereby amended to read as follows:

"§11-65-20. Terms of an operator's license.

(a) An operator's license issued under this chapter, whether for horse racing and pari-mutuel wagering thereon or for greyhound racing and pari-mutuel wagering thereon, shall be for ~~a~~ an initial period of 20 years, but shall be subject to renewal as provided in this section 11-65-20. A commission shall have no power to modify the terms of an operator's license, once issued, without the prior written consent of the holder of such license. An operator's license shall be reviewed annually, but such license shall be revocable by the commission only if the holder thereof shall not be in compliance with the provisions of this chapter or the valid rules, regulations and orders of the commission and such noncompliance shall have continued for 60 days after written notice shall be given to such holder by the commission stating the circumstances of noncompliance and demanding corrective action, reviewed annually. Any such license issued under this chapter shall permit the holder thereof to hold and conduct one or more race meetings each year at the racetrack to which such license shall be applicable. Races may be conducted six days or nights a week throughout the year, but not on Sunday.

(b) A commission issuing an operator's license shall state therein the person corporation to whom which such license is issued, the activity licensed thereby (namely, whether the license is to conduct horse racing and pari-mutuel wagering thereon or greyhound racing and pari-mutuel wagering thereon), the location of

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the ~~racetrack~~ racing facility where the licensed activity is meetings are to be conducted, the period during which such license shall be in effect, and such other conditions of the license and related information as such commission shall deem proper, subject to compliance with the provisions of this chapter.

(c) An operator's license, whether for horse racing and pari-mutuel wagering thereon or greyhound racing and pari-mutuel wagering thereon, shall be renewable at the expiration of the original term for successive renewal terms of three years each without limit as to the number of such renewal terms that may be granted to the original licensee. Not more than 180 days nor less than 90 days prior to the expiration of the original term of an operator's license, or the expiration of the renewal term for which such license shall have last been renewed, as the case may be, the holder of such license shall give written notice to the commission as to whether or not such holder will seek a renewal of such license. If the holder of an expiring operator's license, whether for an original or a renewal term, states in such notice that it has no interest in seeking a renewal term, then the commission shall make such arrangements, consistent with the provisions of this chapter, to obtain a replacement licensee for the expiring license through open competition or such other selection process as the commission may deem desirable. If the holder of an expiring license states in such notice that it desires to renew the license for a renewal term, the commission shall require such holder to submit a new application for the operator's license for such renewal term at least 60 days prior to the expiration of the current license, which application shall be in such form and shall contain such information as may be prescribed by the commission. The commission may require a licensee applying for a renewal term to provide the same information and to meet the same qualifications as would, at the time of such renewal application, be required of a successful applicant for a original operator's license. The commission shall either grant or deny the requested renewal of the license within 30 days after receiving the application therefor, but the commission shall not deny the renewal of an operator's license except for good cause. Without limiting the generality of the factors that may constitute good cause for denying the renewal of an operator's license, it is hereby expressly provided that good cause shall include (i) chronic and repeated prior failures of such operator to comply with the provisions of this chapter as implemented by the rules, regulations and orders of the commission and (ii) the prior failure of such operator to exploit fully the economic potential of such license as evidenced by a limited schedule of racing programs, poor quality of racing programs, and poor attendance and participation in pari-mutuel wagering by the public. An operator's license shall be renewed by a commission on the same terms as originally issued, except for such conditions as may be necessary to correct matters that would constitute good cause for denying the renewal of such license.

(d) The commission shall issue rules and regulations pursuant to which a horse racing operator or a greyhound racing operator, as the case may be, shall schedule racing programs to be conducted pursuant to the license held by such operator. An operator's license, whether for horse racing or greyhound racing, shall entitle such operator to schedule racing programs on as many racing days during a calendar year as such operator, in the exercise of its business judgment, shall deem advantageous; provided that programs of horse racing or greyhound racing may not be scheduled for more than 310 racing days in any calendar year.

The commission may require an operator to provide and update periodically the schedule of racing programs, whether horse racing or greyhound racing, that the operator proposes to conduct during each calendar year, but such schedule may, upon reasonable notice to the commission, be altered as often and to such extent as the operator deems necessary. A program of horse racing or greyhound racing, as the case may be, shall consist of such number of individual races of such kind as the operator may determine, and more than one program may be held on any racing day and scheduled at such time or times as the operator shall deem advantageous. If an operator holds both a license for horse racing and greyhound racing, different programs of live or simulcast horse racing and live or simulcast greyhound racing may be scheduled for separate times on the same racing day if the racing facility can accommodate, or be modified to accommodate, such different programs.

(e) Any program of horse racing and pari-mutuel wagering thereon or any program of greyhound racing and pari-mutuel wagering thereon that began before midnight of any racing day may be continued past midnight of the next calendar day to the end of the racing day in which such program began; provided, however, that the operator shall comply with all applicable general and local laws and county and municipal ordinances governing the times during which businesses serving the general public may sell food and alcoholic beverages and provide entertainment. No programs of horse racing and pari-mutuel wagering thereon nor programs of greyhound racing and pari-mutuel wagering thereon shall be permitted to commence on any Sunday or Christmas Day or Thanksgiving Day, but such prohibition shall not be interpreted to prohibit licensed activities during the final two hours of any preceding racing day.

(f) While any operator's license or licenses for horse racing and pari-mutuel wagering thereon theretofore issued by a commission shall remain in effect, such commission shall not issue any other operator's license for horse racing and pari-mutuel wagering thereon in the commission municipal jurisdiction with respect to any racing events of the kind covered by the operator's license or licenses already in effect without the duly authorized consent of the operator or operators holding all such operator's licenses for horse racing already in effect, which consent shall be obtained in writing prior to the issuance of any such other operator's license for horse racing. Likewise, while any operator's license or licenses for greyhound racing and pari-mutuel wagering thereon theretofore issued by a commission shall remain in effect, such commission shall not issue any other operator's license for greyhound racing and pari-mutuel wagering thereon in the commission municipal jurisdiction without the duly authorized consent of the operator or operators holding all such operator's licenses for greyhound racing already in effect, which consent shall be obtained in writing prior to the issuance of any such other operator's license for greyhound racing.

(g) Any provisions of this chapter or any other law to the contrary notwithstanding, a commission may, at the time of the issuance of an operator's license to an a horse racing operator or a greyhound racing operator, as the case may be, or at any time thereafter, enter into a contract with such operator establishing restrictive conditions under which such commission may license the conduct of horse racing or greyhound racing events and pari-mutuel wagering thereon that would compete with the racing events or or wagering activities

covered by the license of such operator, which conditions may, in the discretion of such commission, preclude the licensing of any competing racing events or activities while such operator's license shall remain in effect. For purposes of any such contract, it is hereby expressly recognized that an operation conducting greyhound racing and pari-mutuel wagering thereon, in addition to competing with other greyhound racing operations, will, in economic effect, compete with any geographically proximate operation conducting horse racing and pari-mutuel wagering thereon. The provisions of any such contract between a commission and an operator shall be deemed to be a part of the terms and conditions of the operator's license granted to such operator. Without in any way limiting the nature of the consideration that may be given by an operator to make any such contract binding, the obligations (including any future obligations) of any horse racing operator to pay the state horse wagering fee and the commission horse wagering fee, or the obligations of any greyhound racing operator to pay the state dog racing privilege tax and the commission greyhound wagering fee, together with the other economic benefits to be derived by the state and by such the commission and its sponsoring municipality from the conduct of horse racing and pari-mutuel wagering activities, thereon, shall be deemed sufficient consideration to make such contract binding upon such commission and any state racing commission. Any such contract between a commission and an operator shall be binding upon such commission and any state racing commission at any time exercising jurisdiction over such commission or such operator and shall not be impaired by any subsequent action of such commission or such state racing commission or by any act of the legislature of Alabama which, through the authorization of another licensing entity or by any other means, would permit or encourage the conduct of racing events or and wagering activities by persons other than such operator in contravention of such contract.

(h) A commission issuing an operator's license ~~shall~~ may require a bond with surety acceptable to it, ~~and in an amount determined by it to be sufficient to secure payment of any cover the maximum~~ indebtedness anticipated to be incurred by the holder of such license to such commission in any year, but such bond shall not for any reason be set by the commission at an amount greater than the amount of indebtedness reasonably anticipated to be secured thereby. The amount of such bond may be adjusted from time to time as such commission may require."

Section 19. Application to Acquire Interest in Operator. Section 11-65-22, Code of Alabama 1975, is hereby amended to read as follows:

"§11-65-22. Application to acquire interest in operator.

A disqualified person may not acquire or hold an interest in ~~an owner a horse racing facility licensee~~ or an operator. A commission may require that a disqualified person dispose of its interest in ~~an owner a horse racing facility licensee~~ or an operator within a reasonable period of time provided that (i) the commission shall determine at a hearing that the owner of such interest is a disqualified person and (ii) the person who is alleged to be a disqualified person shall receive notice of and an opportunity to be heard at such hearing. Any person aggrieved by an action of a commission pursuant to this section 11-65-22 may appeal to the circuit court of the host county pursuant to section 11-65-12.

Any person desiring to acquire stock in, a partnership or other ownership interest in, or to become an owner or member of, any entity which holds ~~an owner's~~ a horse racing facility license or an operator's license hereunder who, after giving effect to such acquisition, becomes the beneficial owner of more than five percent of the total outstanding stock of, or interest in, such entity, shall apply to the commission which issued any such license on a form prescribed by it for approval of such acquisition or membership. The commission shall consider such application forthwith, and may, if it finds it necessary, demand additional information concerning the proposed acquirer or transferee of stock or other interest or the proposed member, as the case may be. If in the judgment of the commission the person making such application is a disqualified person, or the acquisition or transfer of stock or other interest or membership in an entity holding ~~an owner's~~ a horse racing facility license or an operator's license would be detrimental to the public interest, to the honesty and integrity of horse racing or greyhound racing, or to the reputation of racing, ~~either thereof~~, then, in any such case, the application shall be denied. If the application is not denied within 60 days, it shall be deemed approved.

If the district attorney of the host county shall have reason to believe, either because of information gained by his own investigation or because of information brought to his attention by others, that a disqualified person has acquired and continues to hold stock or any other interest in a horse racing facility licensee ~~an owner~~ or an operator, the district attorney shall give written notice of such belief to the commission having jurisdiction over such ~~owner licensee~~ or operator and shall state in such notice the identity of the alleged disqualified person and such other information as shall justify an investigation by the commission into whether the person identified in such notice is a disqualified person and whether such person has acquired and continues to hold stock or any other interest in ~~an owner~~ a horse racing facility licensee or an operator. If, within a period of 30 days after receipt of such notice from the district attorney, the commission does not conduct any such investigation, or if, after having commenced any such investigation within said period of 30 days, the commission ultimately determines that the person who is the subject of such investigation is not a disqualified person or has not acquired and does not hold any stock or other interest in ~~an owner~~ a horse racing facility licensee or an operator, then, in either of such cases, the district attorney shall have the right to institute proceedings in the circuit court of the host county (1) to determine whether such person is a disqualified person and whether such person has acquired and continues to hold stock or any other interest in ~~an owner~~ a horse racing facility licensee or an operator and (2) to enforce the provisions of this chapter which prohibit any disqualified person from acquiring or holding an interest in ~~an owner~~ such licensee or operator. Upon any showing of clear and convincing evidence that any person is a disqualified person and has acquired and continues to hold stock or any other interest in ~~an owner~~ a horse racing facility licensee or an operator, the circuit court shall order such disqualified person to dispose of such stock or other interest within a reasonable period of time.

In determining a reasonable period of time for the disposition by a disqualified person of any stock or other interest in ~~an owner~~ a horse racing facility licensee or an operator, the commission or the circuit court, as the case may be, shall take into account the facts and circumstances which justify the

determination that the owner of such stock or other interest is a disqualified person, and if the status of any disqualified person results from any event or condition referred to in any of subparagraphs a, b, c, or d of section 11-65-2(a)(9)(11), the commission or the circuit court, as the case may be, shall order the disposition of such stock or other interest as quickly as shall be consistent with justice, and if either the commission or the circuit court determines that such disqualified person intentionally violated the provisions of this chapter prohibiting the acquisition of such stock or other interest, the disposition of the same may be ordered without delay regardless of the fact that such immediate disposition may cause substantial economic loss to such disqualified person.

The district attorney shall cooperate fully with the commission in any investigation or proceeding undertaken by the commission pursuant to notice given to the commission by the district attorney. The commission shall cooperate fully with the district attorney in any investigation undertaken or proceeding instituted by the district attorney in consequence of the failure of the commission to take action pursuant to a notice given by the district attorney or to determine that the person who is the subject of such notice is not a disqualified person or has not acquired and does not hold any stock or other interest in an owner a horse racing facility licensee or an operator.

Anything contained herein to the contrary notwithstanding, the provisions of this section and section 11-65-2(a)(9)(11) are hereby expressly declared to be severable from the other provisions of this chapter, and if such provisions of this chapter are determined by any court of competent jurisdiction to be invalid for any reason, such determination shall not affect, impair or invalidate the remaining provisions of this chapter."

Section 20. Permits Required for Certain Individuals and Companies.
Section 11-65-23, Code of Alabama 1975, is hereby amended to read as follows:

"§11-65-23. Permits required for certain individuals and companies.

No person, firm, corporation or partnership shall participate in any horse racing or greyhound racing subject to the jurisdiction of a commission or in the conduct of any racing event or pari-mutuel wagering thereon, whether as a horse owner, greyhound owner, trainer, jockey, exercise boy, groom, stable foreman, kenel foreman, valet, veterinarian, agent, pari-mutuel employee, concessionaire or employee thereof, or as an track employee of the operator, or enter the race-track enclosure for either horse racing or greyhound racing in any capacity other than as a spectator, unless such person or the firm, corporation or partnership employing such person possesses a permit therefor from the appropriate commission and complies with the provisions of this chapter and all reasonable rules and regulations of such commission. No permit issued under this section shall be transferable.

The provisions of this section which require a concessionaire (other than the operator) to obtain a permit from the appropriate commission in order to operate a business selling food, beverages, souvenirs or other merchandise to persons attending racing events shall not be construed to permit any the commission to charge a concessionaire any license or permit fees measured by its gross revenues

or to derive any economic benefit from the operations of such concessionaires other than the permit fees authorized by section 11-65-24, it being expressly provided that the horse racing facility licensee owner and the operators for each racing facility shall have the exclusive rights (as they may by contract allocate such rights among themselves) to determine the business conditions under which concessionaires shall operate at racing facilities under the jurisdiction of any the commission and to retain all moneys (except for the commission's permit fee as aforesaid) which any concessionaire is willing to pay for the privilege of conducting business at such racing facilities."

Section 21. Review of Applications for Permits. Section 11-65-25, Code of Alabama 1975, is hereby amended to read as follows:

"§11-65-25. Review of applications for permits.

A commission shall promptly consider any application for a permit submitted to it and shall issue or deny such permit based on the information in the application and all other information before it, including the results of any investigation it deems appropriate. If an application for a permit is approved, the commission approving such application shall issue a permit which shall be valid for one year and shall contain such information as such the commission deems appropriate. ~~Such permit shall be valid for one year.~~

A commission shall deny any such application and refuse to issue a permit, which denial shall be final unless an appeal is taken under the provisions of this chapter, if it finds that the issuance of such permit to the applicant therefor would not be in the interest of the applicant, the people of the sponsoring municipality or the integrity or reputation of the horse racing industry or the greyhound racing industry in the sponsoring municipality, or that the applicant:

- (1) Has knowingly made a false statement of a material fact in the application or has deliberately failed to disclose any information called for by the application;
- (2) Is or has been guilty of any corrupt or fraudulent practice or conduct in connection with any horse racing or greyhound racing activity in the state or any other state;
- (3) Has failed to comply with the provisions of this chapter or the reasonable rules and regulations of the commission;
- (4) Has had a permit to engage in an activity related to horse racing or greyhound racing denied for just cause, suspended or revoked in any other state, and such denial, suspension or revocation is still in effect; or
- (5) Is unqualified to perform the duties required for the permit sought.

No commission shall have the right to delay or deny the issuance of a permit for any reason other than findings made pursuant to this section concerning the integrity, suitability or other relevant qualifications of the person applying for such permit. No commission shall use its power to withhold any permit as a

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means of obtaining concessions from an operator with respect to any matter under the jurisdiction of a commission that may be the subject of disagreement or controversy between the commission and such operator, including, without limitation, scheduling of racing programs, dissatisfaction with any contract of such operator submitted for the commission's approval, or access to confidential information concerning such operator that is not required to be disclosed. If any permit is neither granted by the commission, nor expressly denied by the commission on the basis of findings made in accordance with this section 11-65-25, nor the application therefor withdrawn by the person seeking such permit, in any such case within 30 days after the submission of the application for such permit, such application shall be deemed approved and the commission shall forthwith issue such permit to the person applying therefor; provided, however, that any permit issued pursuant to such deemed approval shall be subject to suspension or revocation by the commission pursuant to section 11-65-26 on the basis of facts or information subsequently coming to the attention of the commission that were not available to it at the time of such deemed approval."

Section 22. Licenses Required for Stewards and Judges of Races; Appointment of Stewards and Judges. Section 11-65-27, Code of Alabama 1975, is hereby amended to read as follows:

"§11-65-27. Licenses required for stewards and judges of races; appointment of stewards and judges for race meetings.

Any person desiring to act as a steward for any horse race meeting conducted by a horse racing operator licensed by a commission pursuant to this chapter must obtain a steward's license from the such commission, having jurisdiction over such race meeting. Likewise, any person desiring to act as a judge for any greyhound race conducted by a greyhound racing operator licensed by a commission pursuant to this chapter must obtain a judge's license from such commission. Each commission shall require each applicant for a steward's license or a judge's license, as the case may be, to pass one or more examinations on matters relating to the duties of stewards or judges. Such examinations shall be prepared and administered in accordance with rules and regulations to be adopted by each the commission. Any The commission may establish other requirements, in addition to successful completion of such examinations, which must be met by any applicant in order to obtain a steward's license or a judge's license, as the case may be, including, without limitation, payment of reasonable license fees. Any steward's license or judge's license issued by a commission pursuant to this chapter shall have a term not exceeding two years, provided that the term of any such license may be extended or renewed at the option of the appropriate commission.

Three licensed stewards shall be appointed to supervise each program of horse racing race meeting conducted by a horse racing operator licensed pursuant to this chapter. Two of such stewards shall be appointed by the commission governing such race meeting licensing such operator and one shall be appointed by the such operator conducting such race meeting. Such stewards shall exercise such powers and perform such duties at each race meeting for each program of horse racing as may be prescribed by the rules and regulations of the governing licensing commission. The horse racing operator shall pay the wages and other employment costs of the steward whom it shall appoint, and the commission shall

pay the wages and other employment costs of the two stewards whom it shall appoint.

Three licensed judges shall be appointed to supervise each program of greyhound racing conducted by a greyhound racing operator licensed pursuant to this chapter. Two of such judges shall be appointed by the commission licensing such operator and one shall be appointed by such operator. Such judges shall exercise such powers and perform such duties for each program of greyhound racing as may be prescribed by the rules and regulations of the licensing commission. The greyhound racing operator shall pay the wages and other employment costs of the judge whom it shall appoint, and the commission shall pay the wages and other employment costs of the two judges whom it shall appoint."

Section 23. Pari-mutuel Wagering. Section 11-65-28, Code of Alabama 1975, is hereby amended to read as follows:

"§11-65-28. Pari-mutuel wagering.

(a) Pari-mutuel wagering conducted by an operator shall be conducted in accordance with the provisions of this section. An operator shall provide a place or places at the racetrack racing facility operated by it at which such operator shall conduct a pari-mutuel system of wagering by its patrons on the results of horse races or greyhound races, as the case may be, held at such racing facility, racetrack. Such place or places shall be provided with the electronic or mechanical equipment necessary to issue pari-mutuel tickets, as well as the electronic or mechanical equipment necessary to record the wagering, compute the odds, and determine the awards to winning bettors, all in an accurate and speedy manner. All such equipment shall be approved by the commission licensing such operator before being used, but such commission shall not require the installation of any particular make of such equipment.

(b) Subject to the provisions of subsection (c) of this section 11-65-28, a horse racing the next succeeding paragraph, an operator shall distribute to the winners of each pari-mutuel pool originated for horse races the total amount wagered with respect to that pool, less the following deductions, to be retained by such operator as in the case may be applicable, to be retained by such operator as the "takeout" for its own use and purposes, including the payment of the wagering fees imposed by this chapter:

(1) In the case of any pari-mutuel pool where the bettor is required to select one horse, there shall be deducted an amount equal to 17 percent of the total amount wagered with respect to that pool plus the breakage applicable to the winning bets for that pool;

(2) In the case of any pari-mutuel pool where the bettor is required to select two horses, there shall be deducted an amount equal to 21 percent of the total amount wagered with respect to that pool plus the breakage applicable to the winning bets for that pool; and

(3) In the case of any pari-mutuel pool where the bettor is required to select three or more horses, there shall be deducted an amount equal to 23 percent of

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the total amount wagered with respect to that pool plus the breakage applicable to the winning bets for that pool.

In addition to the amounts permitted by the preceding sentence provisions of this subsection (b) to be deducted from all pari-mutuel pools originated for horse races and retained by an the horse racing operator conducting such races, such operator shall be permitted to retain all moneys represented by unclaimed, uncashed, or abandoned pari-mutuel tickets; provided, however, that no pari-mutuel ticket shall be deemed to be unclaimed, uncashed, or abandoned unless it shall not be presented for payment within six months from the date of the running of the race to which such pari-mutuel ticket pertains.

(c) During any period in which an a horse racing operator shall be required to pay the state horse wagering fee, such operator shall have the right to increase the "take out" deduction permitted by subsection (b) of this section 11-65-28 the next preceding paragraph by any amount up to one percent of the total amount wagered with respect to any pari-mutuel pool originated for horse races, any provisions of this chapter or any other law to the contrary notwithstanding. It is hereby expressly declared that this right is conferred upon each horse racing operator licensed by a commission for the purpose of enabling such operator to generate all or part of the money necessary to pay the state horse wagering fee, and any increase in the amount deducted by an operator from any pari-mutuel pools pursuant to the exercise of such right shall not be made the basis of any increase in the state horse wagering fee, the commission horse wagering fee or any other taxes, fees or commissions payable by such operator. No increase in the amount deducted from any pari-mutuel pool shall be permitted pursuant to this paragraph subsection (c) until such time as an a horse racing operator shall become liable for the state horse wagering fee, but thereafter, and for so long as such operator shall remain liable for the state horse wagering fee, the right conferred by this paragraph subsection (c) to increase the amount deducted may be exercised at any time and from time to time (including the right to institute an increase and thereafter discontinue and resume it any number of times), may be exercised with respect to all pari-mutuel pools originated for horse races or with respect to some and not to others, and may be exercised with respect to any qualifying pari-mutuel pool in any degree of increase, not exceeding in any case more than one percent of the total amount wagered with respect to that pool, all as such operator shall determine in the exercise of its sole discretion without direction or influence from the commission licensing such operator, any state racing commission or any other governmental body.

(d) A greyhound racing operator shall distribute to the winners of each pari-mutuel pool originated for greyhound races the total amount wagered with respect to that pool, less the following deductions, as in the case may be applicable, to be retained by such operator as the "takeout" for its own use and purposes, including the payment of the state dog racing privilege tax and the commission greyhound wagering fee:

(1) In the case of any pari-mutuel pool where the bettor is required to select one greyhound, there shall be deducted an amount equal to 17 percent of the total amount wagered with respect to that pool plus the breakage applicable to the winning bets for that pool;

(2) In the case of any pari-mutuel pool where the bettor is required to select two greyhounds, there shall be deducted an amount equal to 21 percent of the total amount wagered with respect to that pool plus the breakage applicable to the winning bets for that pool; and

(3) In the case of any pari-mutuel pool where the bettor is required to select three or more greyhounds, there shall be deducted an amount equal to 23 percent of the total amount wagered with respect to that pool plus the breakage applicable to the winning bets for that pool.

In addition to the amounts permitted by the preceding provisions of this subsection (d) to be deducted from all pari-mutuel pools originated for greyhound races and retained by the greyhound racing operator conducting such races, such operator shall be permitted to retain all moneys represented by unclaimed, uncashed, or abandoned pari-mutuel tickets; provided, however, that no pari-mutuel ticket shall be deemed to be unclaimed, uncashed, or abandoned unless it shall not be presented for payment within six months from the date of the running of the race to which such pari-mutuel ticket pertains. The provisions of section 40-26A-2(c) relating to the state dog racing privilege tax to the contrary notwithstanding, a greyhound racing operator shall not be entitled to increase to 19 percent the "takeout" deduction specified in subdivision (d)(1) for pari-mutuel pools where the bettor is required to select one greyhound. Nothing contained in section 40-26A-2(c) shall be construed to require the "takeout" deduction specified in subdivision (d)(2) to be reduced to 19 percent or the "takeout" deduction specified in subdivision (d)(3) to be reduced to 21 percent.

(e) A commission shall adopt and maintain rules and regulations for each kind of pari-mutuel pool that may be originated operated by a horse racing operator or a greyhound racing operator, as the case may be, an operator licensed by such commission; and such rules and regulations shall be published by such commission in book or pamphlet form for general distribution to all interested persons. Under the pari-mutuel system of wagering hereby authorized, an operator shall be permitted to provide separate pools for bets to win, place, and show, as well as separate pools for more complex wagers involving such combinations of races and such combinations of the outcomes of races as shall be approved by the commission licensing such operator. Each pool (less the amount that the operator is permitted to retain as the "takeout" pursuant to the provisions of this section) shall be distributed separately to the winners thereof in accordance with the rules and regulations of the governing commission for that kind of pari-mutuel pool. If there is no ticket bet on the winning horse or greyhound or combination of horses or greyhounds, as the case may be, for any pari-mutuel pool, the portion of the pool which would have been distributed to any winners thereof shall be distributed to the holders of the tickets for such pool in accordance with the rules and regulations of the governing commission for that kind of pari-mutuel pool."

Section 24. State Horse Wagering Fee. Section 11-65-29, Code of Alabama 1975, is hereby amended to read as follows:

"§11-65-29. State horse wagering fee.

No license tax, fee or equivalent charge shall be levied by the state against

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horse racing or pari-mutuel wagering thereon licensed and regulated by a commission during a period beginning with April 5, 1984, and continuing until the fifth anniversary of the date on which racing events shall first be conducted under the jurisdiction of such commission. Beginning with such fifth anniversary of the date on which racing events shall first be conducted under the jurisdiction of a commission, and continuing thereafter for so long as such commission shall continue in existence, each horse racing operator licensed by such commission shall pay to the department of revenue of the state (or such other department or agency of the state as may be provided by law) a state horse wagering fee in an amount equal to one percent of the horse racing handle of such operator. The state horse wagering fee shall be paid in installments referable to the calendar months during which racing events shall be conducted by ~~an~~ a horse racing operator, and the installment referable to any calendar month shall be an amount equal to one percent of the horse racing handle of such operator for such calendar month and shall be paid to the department of revenue of the state (or such other department or agency of the state as may be provided by law) prior to the end of the next succeeding calendar month. The department of revenue of the state (or other collecting department or agency of the state) is hereby authorized to promulgate and enforce such rules and regulations, not inconsistent with the provisions of this chapter, as shall be reasonably necessary for the determination and collection of the state horse wagering fee. The department of revenue of the state (or other collecting department or agency of the state) may require a bond with surety acceptable to it in an amount determined by it to be sufficient to cover the maximum liability for the state horse wagering fee that may at any time be incurred by an operator. All installments of the state horse wagering fee collected by the department of revenue shall be deposited in the state treasury to the credit of the state general fund.

The legislature hereby finds and determines that the state horse wagering fee authorized by this chapter is the maximum license fee or equivalent tax or charge which can be levied by the state against horse racing or pari-mutuel wagering thereon without impairing the economic viability of horse racing and lessening its contribution to increased employment and tourism in the state. No state racing commission shall have the power to increase the state horse wagering fee above the limits provided in this chapter, to impose the state horse wagering fee for any period not herein authorized, or to levy or impose any additional license fee or equivalent tax or charge against horse racing or pari-mutuel wagering thereon conducted under the provisions of this chapter."

Section 25. Commission Wagering Fees. Section 11-65-30, Code of Alabama 1975, is hereby amended to read as follows:

"§11-65-30. Commission wagering fees.

(a) Each horse racing operator shall pay to the treasurer of the commission licensing such operator a commission horse wagering fee for each calendar year during which it conducts any horse racing events. The amount of the commission horse wagering fee for an operator for a given calendar year shall be equal to the sum of (i) two percent of the horse racing handle of such operator for such calendar year to the extent that such handle does not exceed \$150,000,000.00 and (ii) four percent of the portion of the horse racing handle of such operator for

such calendar year that exceeds \$150,000,000.00. Each operator shall make payment of its commission horse wagering fee for each calendar year to the treasurer of the licensing commission in monthly installments. For each calendar year, the monthly installment referable to any month (other than the month during which the final racing event for such calendar year shall be conducted) shall be equal to two percent of the horse racing handle for such month. The monthly installment referable to the month during which the final racing event for any such calendar year shall be conducted shall be equal to the sum of (i) two percent of the horse racing handle for such month and (ii) two percent of the portion of the aggregate horse racing handle for such calendar year in excess of \$150,000,000.00. The installment of the commission horse wagering fee referable to any calendar month shall be paid to the treasurer of the appropriate commission prior to the end of the next succeeding calendar month.

(b) If at any time during a calendar year the aggregate horse racing handle of an operator for such calendar year exceeds \$150,000,000.00, then such operator shall, in order to assure the availability of the moneys required to pay the final installment of its commission horse wagering fee for such calendar year, set aside and invest moneys in an amount equal to two percent of the portion of such aggregate horse racing handle in excess of \$150,000,000.00 in investments of the kind in which the funds of a commission are permitted by section 11-65-9 hereof to be invested by its treasurer. Any such investments acquired by an operator shall be held by it in trust for the benefit of the commission licensing such operator in order to secure the payment of the commission horse wagering fee, but the operator shall be entitled to any interest earned from such investments until the due date of the final installment of the commission horse wagering fee for such calendar year.

(c) Each greyhound operator shall pay to the treasurer of the commission licensing such operator a commission greyhound wagering fee for each calendar year during which it conducts any greyhound racing events. The amount of the commission greyhound wagering fee for a greyhound racing operator for a given calendar year shall be determined as follows:

(1) For the period beginning with the commencement of greyhound racing by such operator pursuant to a license granted by the commission and ending ten years after the end of the calendar year in which such greyhound racing first commences, the amount of the commission greyhound wagering fee in each calendar year shall be equal to the sum of (i) two percent of the greyhound racing handle of such operator for such calendar year to the extent that such handle does not exceed \$150,000,000.00 and (ii) four percent of the portion of the greyhound racing handle of such operator for such calendar year that exceeds \$150,000,000.00; and

(2) For the period beginning ten years after the end of the calendar year in which such operator first commences greyhound racing pursuant to a license granted by the commission and continuing with each calendar year thereafter, the amount of the commission greyhound wagering fee in each calendar year shall be equal to the sum of (i) two percent of the greyhound racing handle of such operator for such calendar year to the extent that such handle does not exceed \$150,000,000.00, (ii) six percent of the portion of the greyhound racing

handle of such operator for such calendar year that exceeds \$150,000,000 but does not exceed \$300,000,000.00 and (iii) four percent of the portion of the greyhound racing handle of such operator for such calendar year that exceeds \$300,000,000.00.

Each operator shall make payment of its commission greyhound wagering fee for each calendar year to the treasurer of the licensing commission in monthly installments. For each calendar year, the monthly installment referable to any month (the "subject month") shall be determined in accordance with the following procedure: first, determine whether, as a result of the passage of time from the commencement of greyhound racing by such operator, the provisions of subdivision (c)(1) or (c)(2) of this section 11-65-30 apply to such calendar year; second, determine the cumulative amount of the greyhound racing handle of such operator for the months of such calendar year preceding the subject month; third, determine the amount of the greyhound racing handle of such operator for the subject month; fourth, using the cumulative amount of the handle for the preceding months as a benchmark, allocate the handle for the subject month among the annual brackets specified in subdivision (c)(1) or (c)(2), whichever is applicable; and fifth, calculate the commission greyhound wagering fee for the subject month by applying the percentage applicable to each bracket to the portion of the handle for the subject month allocated to such bracket. The installment of the commission greyhound wagering fee referable to each calendar month shall be paid to the treasurer of the commission prior to the end of the next succeeding calendar month.

~~The legislature hereby finds and determines that the commission wagering fee authorized by this chapter is the maximum license fee or equivalent tax or charge which can be levied by a commission or by any political subdivision of the state against horse racing or pari-mutuel wagering thereon without impairing the economic viability of horse racing and lessening its contribution to increased employment and tourism in the state. No commission shall have the power to increase the commission horse wagering fee or the commission greyhound wagering fee above the limits provided in this chapter or to levy or impose any additional license fee or equivalent tax or charge against horse racing or greyhound racing and pari-mutuel wagering thereon conducted under the provisions of this chapter."~~

Section 26. Commission Greyhound Racing Days. Chapter 65, Title 11, Code of Alabama 1975, is hereby amended by adding thereto the following new section 11-65-30A:

"§11-65-30A. Commission greyhound racing days.

(a) During each calendar year, a greyhound racing operator shall be required to designate three racing days ("commission racing days") on which such operator will conduct a performance or program of greyhound racing and will pay to the commission the "gross profit" (as hereafter defined in this section) derived by the operator on such days from greyhound racing and pari-mutuel wagering thereon, including the sale of food, drink, programs and other items to the public in attendance and charges made for parking. In the event that a greyhound racing operator conducts greyhound racing for only part of a calendar

year, one racing day shall be required for each period of four months or portion thereof in which such operator conducts greyhound racing during such calendar year. A greyhound racing operator shall be required to designate and conduct four commission racing days in any calendar year, beginning with the calendar year next succeeding the first full calendar year of greyhound racing conducted by an operator under license from the commission, with respect to which the greyhound racing handle in the next preceding year was less than \$150,000,000.00. The commission racing days designated by the greyhound racing operator shall be subject to approval by the commission, which approval shall not be unreasonably withheld. The commission racing days shall be spaced at intervals during the calendar year so that all will not occur in the same calendar season. The greyhound racing operator will give written notice to the commission of the commission racing days proposed for a calendar year not later than 30 days after the beginning of such calendar year. The commission may approve the proposed commission racing days or make a counter proposal to the greyhound racing operator for different days and, in connection therewith, shall state its reasons for desiring different days. If the commission's counter proposal is not acceptable to the greyhound racing operator, the commission and the operator shall negotiate in good faith to determine mutually acceptable commission racing days for the current calendar year, but if agreement cannot be reached as the year continues, the operator shall be released from the obligation to hold one commission racing day for every four months that elapse from the beginning of such year (or one commission racing day for every three months in calendar years entitled to four commission racing days). The commission shall be prohibited from taking any regulatory action with respect to the greyhound racing operator for the purpose of coercing agreement on commission racing days demanded by the commission.

(b) As used with reference to a commission racing day, the term "gross profit" shall mean the amount computed by taking all revenues derived by the greyhound racing operator from greyhound racing conducted on such day (including the authorized "takeout" deductions from pari-mutuel pools, the proceeds from the sale of food, drink, programs and other goods to the public in attendance, and parking charges) and deducting therefrom the sum of the following:

(1) the actual operating costs of the greyhound racing operator on such commission racing day, which costs shall be those incurred for greyhound purses, direct labor, the costs of food, drink and other merchandise sold on such day and other costs incurred solely by reason of opening and operating the racing facility and shall not be deemed to include costs that are constant from day to day and would have been incurred by the operator had greyhound racing not been conducted on such day, including, but not limited to, such costs as capital expenditures, interest on debt, property taxes, insurance and other items of fixed expense determined in accordance with generally accepted accounting principles;

(2) the state dog racing privilege tax and the commission greyhound wagering fee applicable to pari-mutuel wagering conducted on such commission racing day;

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(3) the general sales taxes payable to the state, the sponsoring municipality and the host county for food, drink and other merchandize sold by the greyhound racing operator on such commission racing day, admission fees for such day payable to the sponsoring municipality pursuant to section 11-65-33, and other taxes and fees, if any, payable to other governmental entities with respect to activities conducted on such commission racing day; and

(4) the rent, calculated as a percentage of the greyhound racing handle, which the greyhound racing operator may be obligated to pay any owner or lessee of the racing facility with respect to such commission racing day, it being expressly provided that the operator shall not absorb such rent in determining the gross profit and that it will be deducted from the operating revenues in calculating gross profit unless the operator's obligation for such rent on such commission day is waived or released by the party having the power to do so.

Any horse racing operator conducting a commission racing day shall remit the gross profits of such day to the treasurer of the commission prior to the end of the month next succeeding that month in which the commission racing day occurs. Such payment shall be accompanied by supporting financial information showing the calculation of the gross profits, including revenues and allowable costs by appropriate category.

(c) All revenues derived by a commission from a commission racing day, including both the gross profits and the commission greyhound wagering fee referable to such day, shall, in the discretion of the commission, be included in the net commission revenues and disbursed in accordance with the provisions of section 11-65-36 or, alternatively, sequestered in a separate fund, against which no charge shall be allowed for any part of the commission's operating expenses, and disbursed to one or more public or governmental entities or nonsectarian charitable organizations (i.e., organizations described in section 501(c)(3) of the Internal Revenue Code of 1986) that were identified as beneficiaries of such revenues prior to the date of such commission racing day. The commission shall adopt appropriate rules and regulations for evaluating and selecting public entities or charitable organizations to be beneficiaries of commission racing days."

Section 27. Purses for Horse Races and Greyhound Races. Section 11-65-31, Code of Alabama 1975, is hereby amended to read as follows:

"§11-65-31. Purses for horse races and greyhound races.

From the moneys deposited in pari-mutuel pools for horse races which are ~~not distributed to the holders of winning tickets;~~ constitute the "takeout" deducted by a horse racing operator pursuant to section 11-65-28(b), each horse racing operator shall apply an amount equal to seven percent of its total horse racing handle to provide purse moneys for horse races conducted by such operator. Prior to the commencement of any race meeting, the horse racing operator conducting such meeting shall estimate the amount of its horse racing handle to be derived from such meeting. Based upon such estimate, the horse racing operator shall adopt a schedule providing for a reasonable allocation of purse moneys over the period of the anticipated race meeting. Any such schedule may be amended from time to time during the course of a race meeting if it becomes apparent that the

operator's actual horse racing handle for such race meeting will not match its original estimate.

Each horse racing operator shall provide the commission licensing such operator with periodic reports respecting the amounts applied by such operator to provide purse moneys for horse races. If at the close of any race meeting it is determined that the operator conducting such meeting failed to apply an amount equal to seven percent of its horse racing handle for such meeting to provide purse moneys, then any excess shall be deducted from, and any deficiency shall be added to, the amount which such operator is shall be required to provide as purse moneys for horse races conducted as part of its next succeeding race meeting.

The amount of purses to be paid with respect to greyhound races conducted by any greyhound racing operator shall be determined by such operator through negotiation with the kennel owners providing the greyhounds for such races. Nothing contained in this chapter shall be construed to require, or to permit the commission by regulation or order to require, any minimum level of purses for greyhound racing, whether based on a percentage of the greyhound racing handle or any other benchmark, or to limit, or to permit the commission by regulation or order to limit, the amount that a greyhound racing operator may agree to pay for such purposes."

Section 28. Televised Simulcast Programming of Racing Events. Section 11-65-32, Code of Alabama 1975, is hereby amended to read as follows:

"§11-65-32. Television or radio transmission Televised simulcast programming of racing events.

(a) Each A commission shall have the power to adopt rules and regulations specifying the conditions under which an operator, as part of its licensed activity, may cause television or radio coverage televised simulcast programming of racing events, including both horse racing and greyhound racing, held at racetracks located outside the sponsoring municipality, including racetracks located in the state and in other states, state may to be transmitted for public viewing to a racetrack racing facilities within the sponsoring municipality which are is under the jurisdiction of such commission and there made the object of pari-mutuel wagering. Subject to such exceptions as a commission may approve by rule or regulation in order to satisfy applicable requirements of federal law, all pari-mutuel wagering with respect to such racing events that are the subject of television or radio coverage televised simulcast programming shall be subject to the provisions of this chapter and the rules and regulations of such commission governing pari-mutuel wagering on live racing events conducted at racing facilities racetracks under the jurisdiction of such commission, including the provisions of sections 11-65-28, 11-65-29 and 11-65-30 hereof. A commission shall be entitled to no revenues from the televised simulcast programming of racing events other than (i) the commission horse wagering fee due with respect to that part of the horse racing handle wagered on televised horse racing events by bettors placing their bets at a racing facility in the commission municipal jurisdiction and (ii) the commission greyhound wagering fee due with respect to that part of the greyhound wagering handle wagered on televised greyhound racing events by bettors placing their bets at a racing facility in the commission municipal jurisdiction.

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(b) If permitted by federal law and made possible by contractual arrangements with the operator of the racetrack that originates the simulcast programming, a horse racing operator may conduct pari-mutuel wagering on horse racing events televised from other locations. In such case the pari-mutuel pools for such wagering may be limited to bets made by bettors placing their bets at the racing facility in the commission municipal jurisdiction or, alternatively, such pari-mutuel pools may include bets made by bettors placing their bets at the racetrack which conducts the televised horse racing events, as well as bets made by bettors placing their bets at one or more locations outside the sponsoring municipality and in the state or in other states; provided that to the extent bettors placing their bets at a racing facility in the commission municipal jurisdiction participate in such pari-mutuel pools, the total amount wagered by such bettors shall be administered in accordance with the provisions of section 11-65-28 and the applicable rules and regulations of the commission and, provided further, that the state horse wagering fee and the commission horse wagering fee shall be paid as provided in this chapter with respect to the total amount wagered by such bettors.

(c) If permitted by federal law and made possible by contractual arrangements with the operator of the racetrack that originates the simulcast programming, a greyhound racing operator may conduct pari-mutuel wagering on greyhound racing events televised from other locations. In such case the pari-mutuel pools for such wagering may be limited to bets made by bettors placing their bets at the racing facility in the commission municipal jurisdiction or, alternatively, such pari-mutuel pools may include bets made by bettors placing their bets at the racetrack which conducts the televised greyhound racing events, as well as bets made by bettors placing their bets at one or more locations outside the sponsoring municipality and in the state or in other states; provided that to the extent bettors placing their bets at a racing facility in the commission municipal jurisdiction participate in such pari-mutuel pools, the total amount wagered by such bettors shall be administered in accordance with the provisions of section 11-65-28 and the applicable rules and regulations of the commission and, provided further, that the state dog racing privilege tax and the commission greyhound wagering fee shall be paid as provided in this chapter with respect to the total amount wagered by such bettors.

(d) Each A commission shall also have the power to adopt rules and regulations specifying the conditions under which an operator, as part of its licensed activity, may cause televised simulcast programming television or radio coverage of racing events, including both horse racing and greyhound racing, held at racetracks under the jurisdiction of such commission may to be either (1)(i) transmitted on a live or delayed basis by a commercial television or radio station or network for the entertainment of the public or (2)(ii) transmitted to specific locations outside the sponsoring municipality and in the state or in other states for the purpose of pari-mutuel wagering at such locations.

(e) A horse racing operator may televise horse racing events under the jurisdiction of a commission to locations outside the sponsoring municipality and in the state or in other states and, in connection therewith, may create and administer pari-mutuel pools for wagering on such horse racing events which, in addition to bets made by bettors placing their bets at the racing facility of such opera-

tor in the commission municipal jurisdiction, shall include bets made by bettors placing their bets at one or more of such locations to which such horse racing events are televised; subject, however, to the following conditions: (i) the simulcast programming and televising of horse racing events from any racing facility under the jurisdiction of a commission shall be subject to the rules and regulations of the commission; (ii) to the extent that bettors placing their bets at the racing facility under the jurisdiction of the commission participate in such pari-mutuel pools, the total amount wagered by such bettors shall be administered in accordance with the provisions of section 11-65-28 and the applicable rules and regulations of the commission; (iii) the state horse wagering fee and the commission horse wagering fee shall be paid as provided in this chapter with respect to the total amount wagered by bettors placing their bets at a racing facility in the commission municipal jurisdiction; (iv) the commission horse wagering fee shall not be applicable to amounts contributed to such pari-mutuel pools by bettors placing their bets at locations outside the commission municipal jurisdiction; and (v) the state horse wagering fee shall not be applicable to amounts contributed to such pari-mutuel pools by bettors placing their bets at locations outside the state.

(f) A greyhound racing operator may televise greyhound racing events under the jurisdiction of a commission to locations outside the sponsoring municipality and in the state or in other states and, in connection therewith, may create and administer pari-mutuel pools for wagering on such greyhound racing events which, in addition to bets made by bettors placing their bets at the racing facility of such operator in the commission municipal jurisdiction, shall include bets made by bettors placing their bets at one or more of such locations to which such greyhound racing events are televised; subject, however, to the following conditions: (i) the simulcast programming and televising of greyhound racing events from any racing facility under the jurisdiction of a commission shall be subject to the rules and regulations of the commission; (ii) to the extent that bettors placing their bets at the racing facility under the jurisdiction of the commission participate in such pari-mutuel pools, the total amount wagered by such bettors shall be administered in accordance with the provisions of section 11-65-28 and the applicable rules and regulations of the commission; (iii) the state dog racing privilege tax and the commission greyhound wagering fee shall be paid as provided in this chapter with respect to the total amount wagered by bettors placing their bets at a racing facility in the commission municipal jurisdiction; (iv) the commission greyhound wagering fee shall not be applicable to amounts contributed to such pair-mutuel pools by bettors placing their bets at locations outside the commission municipal jurisdiction; and (v) the state dog racing privilege tax shall not be applicable to amounts contributed to such pari-mutuel pools by bettors placing their bets at locations outside the state.

(g) Nothing contained in this section or any other provision of this chapter shall be construed to authorize or make lawful wagering or gambling of any kind at any location in the state other than the pari-mutuel facilities located at race-track facilities licensed by a commission. No wagering with respect to any horse racing or greyhound racing event televised from any racing facility in the commission municipal jurisdiction shall be permitted in any location in the state outside the commission municipal jurisdiction unless such wagering has been independently authorized by a local or general law (other than this chapter)

applicable to such location."

Section 29. Racetrack Admission Fee. Section 11-65-33, Code of Alabama 1975, is hereby amended to read as follows:

"§11-65-33. Racetrack admission fee.

The governing body of a sponsoring municipality may by ordinance impose a fee on an operator licensed ~~hereunder to conduct a race meeting of~~ under this chapter to conduct either horse racing or greyhound racing in an amount equal to \$.25 on the admission of each person paying for admission to any daily performance of horse racing or greyhound racing. The operator may collect ~~such the amount of such fee~~ from the ticket purchaser in addition to the amount charged for the ticket of admission. ~~on each day of such meeting, except those p~~ Persons holding valid permits ~~issued by a commission who are under this chapter and~~ actually employed at a racing facility under the jurisdiction of such commission and spectators holding complimentary passes issued by an operator shall be exempt from the admission fee authorized by this section. ~~such track in the capacities for which such permits were issued."~~

Section 30. Horse Breeding Fund. Section 11-65-34, Code of Alabama 1975, is hereby amended to read as follows:

"§11-65-34. Horse Bbreeding fund.

Each commission shall establish a special fund to promote the breeding, raising and racing of ~~thoroughbred and standardbred~~ horses in the state, which shall be known as "~~t~~The _____ [name of the sponsoring municipality] ~~r~~Racing ~~c~~Commission ~~b~~Breeding and ~~d~~Development ~~f~~Fund." Each horse racing operator shall pay to its licensing commission a breeding fund fee for each month during which it conducts any horse racing events. For each horse racing operator, the breeding fund fee for any month shall be an amount equal to one-half of one percent [or, in the case of any such fee referable to any month during the period of three years immediately following such operator's receipt of an operator's license, one-quarter of one percent] of the horse racing handle for such operator for such month. The breeding fund fee payable by ~~an a horse racing~~ operator for a given month shall be paid to the treasurer of the commission licensing governing such operator before the end of the succeeding month. All breeding fund fees received by a commission shall be deposited into its breeding fund.

Twenty percent of the aggregate amount of breeding fund fees received by each commission in each calendar year shall be set aside for distribution to the schools of veterinary medicine of Auburn University and Tuskegee Institute. Each commission shall distribute the moneys so set aside on such schedule as shall be administratively reasonable and convenient, but in any event all such moneys referable to the breeding fund fees received in any calendar year shall be distributed not later than 60 days after the end of such calendar year. Each commission shall divide the 20 percent of the breeding fund fees required to be set aside for the schools of veterinary medicine at Auburn University and Tuskegee Institute between such schools in an equitable manner, taking into account the

number of students served by each school, the financial needs of each school to maintain accepted academic standards, the nature and quality of equine research conducted at each such school and such other factors as such commission shall deem relevant in the circumstances; provided, however, that neither of such schools of veterinary medicine shall receive less than 25 percent of the total amount required to be set aside by the provisions of this paragraph in any calendar year. All moneys distributed to the schools of veterinary medicine at Auburn University or Tuskegee Institute pursuant to this paragraph shall be used exclusively for supportive research on the health and diseases of the horse.

Each commission shall adopt rules and regulations governing the maintenance and administration of its breeding fund and the disbursement of the moneys deposited therein, provided that such moneys may be used only for the purposes specified in the next preceding paragraph of this section and for the following additional purposes:

- (1) To provide awards to breeders and owners of Alabama-bred ~~thoroughbred or standardbred~~ horses finishing first, second, third or fourth in pari-mutuel races run in the state;
- (2) To provide awards to stallion owners whose Alabama stallions have sired Alabama-bred ~~thoroughbred or standardbred~~ horses finishing first, second, third or fourth in pari-mutuel races run in the state;
- (3) To provide purse moneys for races conducted exclusively for Alabama-bred ~~thoroughbred or standardbred~~ horses under conditions which have been approved by such commission;
- (4) To advance and promote the breeding and raising of ~~thoroughbred and standardbred~~ horses in the state by the publication and dissemination of information relating thereto;
- (5) To promote equine research through grants to universities within the state; and
- (6) To provide for the administration and management of such breeding fund.

Nothing contained in this chapter shall be construed to obligate any greyhound racing operator to pay any amount referable to the greyhound racing handle as a breeding fund fee."

Section 31. Concerning Certain Taxes. Section 11-65-35, Code of Alabama 1975, is hereby amended to read as follows:

"§11-65-35. Concerning certain taxes. ~~Exemption of pari-mutuel wagering from certain taxes.~~

The state horse wagering fee, the commission horse wagering fee and any other fees or taxes imposed by this chapter ~~on pari-mutuel wagering~~ shall constitute ~~be in lieu of~~ all license, privilege and excise taxes that may be imposed on

horse racing and pari-mutuel wagering thereon conducted pursuant to this chapter, and no other license or excise tax may be imposed on such activities by the state or any county, municipality or other political subdivision thereof; ~~provided, however, that this section~~ The state dog racing privilege tax, the commission greyhound wagering fee and any other fees or taxes imposed by this chapter shall constitute all license, privilege and excise taxes that may be imposed on greyhound racing and pari-mutuel wagering thereon conducted pursuant to this chapter, and no other license, privilege or excise tax may be imposed on such activities by the state or any county, municipality or other political subdivision thereof. Nothing in this chapter, however, shall not be construed to confer any exemption with respect to any uniform taxes levied generally on property, income or business activity, including, without limitation, (1) income taxes levied by the state, (2) occupational taxes levied on wages by a sponsoring municipality or host county, (3) ad valorem taxes levied on any racing facility at the same rates as are applicable to other commercial property having comparable market value, and (4) state and local sales taxes on merchandise sold by operators or their concessionaires at racing events."

Section 32. Application of Net Commission Revenues. Section 11-65-36, Code of Alabama 1975, is hereby amended to read as follows:

"§11-65-36. Application of net commission revenues.

All commission horse wagering fees, ~~commission greyhound wagering fees~~ and other fees, commissions and moneys, including fines and forfeitures, to which a commission shall be entitled under the provisions of this chapter shall be paid to the treasurer of such commission and shall be deposited by said treasurer to the account of such commission. Except for the gross profits of any commission racing day and the commission greyhound wagering fee referable to greyhound racing on such day that may be set aside for specific public entities or charitable organizations pursuant to section 11-65-30A(c), ~~All such moneys to which a commission shall be entitled that remaining after~~ (i) the payment of all expenses incurred in the administration of this chapter, including (without limitation thereto) the payment of the salaries and expenses of the members and employees of such commission and (ii) the deposit into the breeding fund of all amounts required by section 11-65-34 hereof to be deposited therein shall be allocated and paid not less frequently than once each calendar year as follows:

(1) Eighteen percent of the net commission revenues shall be allocated to the sponsoring municipality, subject to the condition that five percent of the amount so allocated shall be contributed to the general employees' pension fund of the sponsoring municipality for the purpose of providing cost-of-living increases in pension benefits;

(2) Ten percent of the net commission revenues shall be allocated in total to the county or counties in which the sponsoring municipality or any part thereof shall be located, subject to the conditions that

a. If the sponsoring municipality is located in more than one county, the portion of the said 10 percent of net commission revenues allocated to each such county shall be determined in proportion to the population of

the sponsoring municipality residing in such county as determined by the most recent federal decennial census,

b. One-half of the amount of net commission revenues allocated to any county shall be used for countywide purposes (including both incorporated and unincorporated areas) in such manner as shall be determined by the governing body of such county, and

c. One-half of the amount of net commission revenues allocated to any county shall be used to defray the cost of governmental operations conducted in the unincorporated parts of such county or shall otherwise be used for the exclusive benefit of the unincorporated parts of such county in such manner as shall be determined by the governing body thereof;

(3) If the board of trustees of the University of Alabama operates a college, graduate school, extension center or other educational facility located in any county in which the sponsoring municipality or any part thereof shall be located, nine percent of the net commission revenues shall be allocated to the board of trustees of the University of Alabama, subject to the conditions that

a. Such amount shall be used exclusively in the county or counties in which the sponsoring municipality or any part thereof shall be located;

b. One-twelfth of the amount of net commission revenues allocated to the board of trustees of the University of Alabama shall be used for the support of any programs operated for the correction or treatment of learning disorders of any kind or research into the causes of such disorders, and if no such programs are operated by the board of trustees of the University of Alabama in the county or counties in which the sponsoring municipality or any part thereof shall be located, such portion of the net commission revenues shall be used in such county or counties for such other purposes or programs as may be determined by said board of trustees, and

c. One-twelfth of the amount of net commission revenues allocated to the board of trustees of the University of Alabama shall be used for the support of any programs or laboratories operated for research in virology, and if no such programs or laboratories are operated by the board of trustees of the University of Alabama in the county or counties in which the sponsoring municipality or any part thereof shall be located, such portion of the net commission revenues shall be used in such county or counties for such other purposes or programs as may be determined by said board of trustees;

(4) Three percent of the net commission revenues shall be allocated in total to public junior colleges (other than any public junior colleges described in subdivision (5) of this section) located in the county or counties in which the sponsoring municipality or any part thereof shall be located; and if there shall be more than one of such public junior colleges, the said three percent of the net commission revenues shall be apportioned equally among such colleges;

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(5) Two percent of the net commission revenues shall be allocated in total to public junior colleges which are located in the county or counties in which the sponsoring municipality or any part thereof shall be located and the student enrollment of which is predominantly drawn from economically disadvantaged minorities; and if there shall be more than one of such public junior colleges, the said two percent of the net commission revenues shall be apportioned equally among such colleges;

(6) Two percent of the net commission revenues shall be allocated in total to public technical colleges located in the county or counties in which the sponsoring municipality or any part thereof shall be located; and if there shall be more than one of such public technical colleges, the said two percent of the net commission revenues shall be apportioned equally among such colleges;

(7) Two percent of the net commission revenues shall be allocated to any public corporation or authority which provides public transportation in an area including the sponsoring municipality;

(8) Seventeen percent of the net commission revenues shall be allocated in total to all county, municipal, district or other public school systems operating primary and/or secondary schools in any county or counties in which the sponsoring municipality shall be located; and if there shall be more than one of such school systems, the said 17 percent of the net commission revenues shall be allocated to such school systems in proportion to their average daily attendance during the most recently completed school year;

(9) If any incorporated municipalities other than the sponsoring municipality are located in the county or counties in which the sponsoring municipality or any part thereof shall be located, six percent of the net commission revenues shall be allocated in total to such other municipalities; and if there shall be more than one of such municipalities, the said six percent of the net commission revenues shall be allocated to such municipalities in proportion to their population as determined by the most recent federal decennial census;

(10) Five and one-half percent of the net commission revenues shall be allocated in total to any public fire districts or volunteer fire departments organized and operating in the county or counties in which the sponsoring municipality or any part thereof shall be located; and if there shall be more than one of such fire districts or volunteer fire departments, the said five and one-half percent of the net commission revenues shall be allocated ~~as follows:~~ Among such fire districts and volunteer fire departments in proportion to the approximate number of single family residences and other buildings provided fire protection thereby, which number in the case of a public fire district shall be the paid membership thereof and in the case of a volunteer fire department shall be a census of the number of protected residences and other buildings confirmed by affidavit of the chief executive of such volunteer fire department;

(11) Two percent of the net commission revenues shall be allocated in total to any hospitals which are owned by any county, municipality or public corporation or authority, and which are located in the county or counties in which the sponsoring municipality shall be located and which serve predominantly

poor and indigent patients; and if there shall be more than one of such hospitals, the said two percent of the net commission revenues shall be allocated to such hospitals in proportion to their average patient census during the most recently completed annual period selected by the commission for the purpose of making such allocation;

~~(12) One-half of one percent of the net revenues shall be allocated in total to any public authority or corporation at any time created by law to alleviate or solve, or to assist in the alleviation or solution of, flooding problems caused by creeks in the sponsoring municipality and host county as the result of heavy rainfall; and if no such authority or corporation shall be in existence at the time of any allocation required to be made pursuant to this subdivision, such allocation shall be made to the sponsoring municipality for use in alleviating or solving such flooding problems, provided that the sponsoring municipality may use such allocation for other purposes if its governing body shall determine that no such flooding problems occur in the sponsoring municipality;~~

~~(12)(13) One percent of the net commission revenues shall be allocated to the Tannehill fFurnace and fFoundry cCommission established pursuant to sections 41-9-320 through 41-9-330;~~

~~(14) One-half of one percent of the net revenues shall be allocated in total to the civil defense department at the time and from time to time maintained or administered by the sponsoring municipality;~~

~~(15) One percent of the net revenues shall be allocated to the Alabama state fair authority established pursuant to Act No. 215 enacted at the 1947 regular session of the legislature of Alabama; and-~~

~~(13)(16) If and to the extent that the allocations of net commission revenues described in this paragraph can be lawfully made to recipients satisfying the applicable conditions as herein set forth, the commission shall allocate and disburse the following percentages of the net commission revenues for the following purposes:~~

a. Three percent of the net commission revenues shall be allocated in total to private, not-for-profit colleges which are located outside the corporate limits of the sponsoring municipality in any incorporated or unincorporated part of any county in which the sponsoring municipality or any part thereof shall be located and the student enrollment of which is predominantly drawn from economically disadvantaged minorities;

b. Three percent of the net commission revenues shall be allocated in total to private, not-for-profit law schools which are located outside the corporate limits of the sponsoring municipality in any incorporated or unincorporated part of any county in which the sponsoring municipality or any part thereof shall be located and the student enrollment of which is predominantly drawn from economically disadvantaged minorities, it being expressly provided that the receipt by a college of any amount pursuant to the provisions of paragraph a. of this subdivision (13) shall not disqualify any law school affiliated with such college from receiving any

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amount for which such law school would otherwise qualify pursuant to the provisions of this subparagraph;

~~c. One-half of one percent of the net revenues shall be allocated in total to private, not-for-profit colleges which are located in the sponsoring municipality and the student enrollment of which is predominantly drawn from economically disadvantaged minorities;~~

~~d. One percent of the net revenues shall be allocated in total to not-for-profit organizations, whether public or private, which operate in any county in which the sponsoring municipality or any part thereof shall be located and which promote, undertake or otherwise assist the career orientation, training and employment of persons belonging to economically disadvantaged minorities;~~

~~c.e. One percent of the net commission revenues shall be allocated in total to not-for-profit organizations, whether public or private, that are located in the sponsoring municipality and that promote economic development in the sponsoring municipality and the surrounding metropolitan area;~~

~~d.f. FiveSix percent of the net commission revenues shall be allocated in total to private not-for-profit hospitals located in the sponsoring municipality that primarily provide care for children;~~

~~e.g. One percent of the net commission revenues shall be allocated in total to not-for-profit organizations, whether public or private, which are located in any county in which the sponsoring municipality or any part thereof shall be located and which sponsor, promote or conduct research and education related to the cure or control of sickle cell anemia or provide treatment or other aid for victims of that disease;~~

~~f.h. Subject to the provisions of paragraph i. of this subdivision, One and one-half percent of the net commission revenues shall be allocated in total to not-for-profit organizations (including any particular branch thereof) which are located in the sponsoring municipality (including, without limitation thereto, organizations such as the Young Men's Christian Association, and the Young Women's Christian Association and Partners in Neighborhood Growth) and which provide educational and recreational activities for young persons predominantly belonging to economically disadvantaged minorities;~~

~~i. The provisions of paragraph h. of this subdivision to the contrary notwithstanding, if any commission shall be created pursuant to this chapter for which the sponsoring municipality shall be the city of Birmingham, then, and in such case, one-half of one percent of the net revenues of such commission shall be deducted from the amount to be allocated pursuant to the said paragraph h. and shall instead be allocated to partners in neighborhood growth for use in providing recreational or educational activities for young persons;~~

~~j. One and one-half percent of the net revenues shall be allocated in total to not-for-profit organizations (including particularly any research development and scholastic assistance fund), whether public or private, which are located in any county in which the sponsoring municipality or any part thereof shall be located and which promote and encourage scientific or technical research or education at the secondary and college levels by any means, including (without limitation thereto) financial assistance to schools and students, the development of improved curricula, and the training of teachers; provided, however, that if any commission shall be created pursuant to this chapter for which the sponsoring municipality shall be the city of Birmingham, then, and in such case, the one and one-half percent of the net revenues of such commission referred to in this paragraph shall be allocated in its entirety to the research, development and scholastic assistance fund for science and technology, inc., a private, not-for-profit corporation organized under the laws of Alabama;~~

~~g.k. One percent of the net commission revenues shall be allocated to the local chapter or affiliate of The National Urban League that is based in the sponsoring municipality;~~

~~h. One percent of the net commission revenues shall be allocated to the local chapter or affiliate of the United Cerebral Palsy Association, Inc. that is based in the sponsoring municipality;~~

~~m. One-half of one percent of the net revenues shall be allocated in total to private, not-for-profit organizations which are located in the sponsoring municipality and which sponsor and promote ballet and similar forms of the art of dance by any means, including the training of dancers and the giving of performances; and~~

~~n. One-half of one percent of the net revenues shall be allocated in total to not-for-profit organizations which are located in the sponsoring municipality and which assist and coordinate the activities of artists or groups of artists which perform or display their works within the sponsoring municipality;~~

i. One percent of the net commission revenues shall be allocated in total to not-for-profit organizations (including any local chapter or affiliate) which sponsor and support research for the prevention or correction of birth defects and which are located in any county in which the sponsoring municipality or any part thereof shall be located; provided, however, if any commission shall be created pursuant to this chapter for which the sponsoring municipality shall be the city of Birmingham, then, and in such case, the one percent of the net commission revenues referred to in this paragraph shall be allocated in its entirety to the March of Dimes Birth Defects Foundation-North Alabama Chapter;

j. One percent of the net commission revenues shall be allocated in total to not-for-profit organizations which provide shelter, care and counselling for abused and neglected women and children and which are located in any county in which the sponsoring municipality or any part

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thereof shall be located; provided, however, if any commission shall be created pursuant to this chapter for which the sponsoring municipality shall be the City of Birmingham, then, and in such case, the one percent of the net commission revenues referred to in this paragraph shall be allocated in its entirety to Prescott House, Inc.;

k. One percent of the net commission revenues shall be allocated in total to not-for-profit organizations which operate orphanages for abandoned or mentally disturbed children and which are located in the sponsoring municipality; provided, however, if any commission shall be created pursuant to this chapter for which the sponsoring municipality shall be the city of Birmingham, then, and in such case, the one percent of the net commission revenues referred to in this paragraph shall be allocated in its entirety to the Gateway Orphanage operated by Family and Child Services;

l. One percent of the net commission revenues shall be allocated to the Alabama Symphony Orchestra; and

m. One and one-half percent of the net commission revenues shall be allocated in total to not-for-profit organizations which provide shelter and care for abandoned or abused animals and which are located in the county or counties in which the sponsoring municipality or any part thereof shall be located; and if there shall be more than one county in which such an organization or organization exists, the said one and one-half percent of the net commission revenues shall be allocated among such counties in proportion to their population as determined by the most recent federal decennial census; and the amount so allocated to each county shall be apportioned among qualifying organizations in each such county in accordance with the commission's determination of need and merit, taking into account the number of animals handled by each such organization during the most recent calendar year.

Except as may herein be specifically provided otherwise, if there shall at any time exist more than one institution or organization which qualifies for a portion of any generic allocation of net commission revenues made pursuant to any of paragraphs a. through n.m. inclusive, of subdivision ~~(16)~~(13) of this section, then, and in such case, a commission shall apportion such allocation among all institutions or organizations which evidence to such commission (in such manner as it shall reasonably require) their respective qualifications to receive a portion of such allocation. Any such allocation shall be apportioned among the qualifying institutions and organizations of each generic category in an equitable manner to be determined by the commission, taking into account the relative scale of activities of each qualifying institution or organization, the number of persons served thereby or other relevant factors. A commission shall have reasonable discretion in determining whether, in the light of the legislative intent, a particular institution or organization shall be entitled to an allocation of any portion of the net commission revenues pursuant to the provisions of this section.

A commission and the individual members thereof shall be fully protected against any charge of malfeasance in relying upon an opinion of the attorney

general of the state of Alabama that a portion of the net commission revenues may be lawfully allocated and paid to any institution or organization pursuant to any of the provisions of subdivision ~~(16)~~(13) of this section, unless a court of competent jurisdiction shall declare invalid the allocation of net commission revenues to any such institution or organization.

If any allocation of any portion of the net commission revenues pursuant to any provision of this section cannot be made for any reason (including, without limitation thereto, the legal invalidity of the provisions of this chapter authorizing such allocation, lack of lawful authority by a commission to make such allocation, the nonexistence of any public body or any public or private institution or organization entitled to receive such allocation, or any other failure to satisfy the conditions of such allocation), then, and in such case, the failure of such allocation shall not impair the validity or effectiveness of any part of this chapter other than the provisions hereof specifically providing for such allocation, nor shall the failure of such allocation adversely affect any other allocation of net commission revenues under this chapter. Any portion of the net commission revenues that, for any reason, cannot be allocated in accordance with the specific provisions of any of subdivisions (1) through ~~(16)~~ (13) of this section shall be apportioned among those governmental bodies, institutions and organizations actually receiving lawful allocations hereunder in proportion to the respective amounts of net commission revenues which would have been allocated to such governmental bodies, institutions and organizations if there had been no need to reallocate any net commission revenues that could not be allocated in accordance with the specific provisions of said subdivisions (1) through ~~(16)~~(13).

It is hereby expressly declared that the primary purpose of this chapter is to provide a means for permitting and regulating horse racing and pari-mutuel wagering thereon and greyhound racing and pari-mutuel wagering thereon in Class 1 municipalities and, further, that it is not a primary purpose of this chapter to provide funds for the various governmental bodies and public or private institutions and organizations to which allocations of portions of the net commission revenues of each commission are made pursuant to this section. The legislature recognizes that one or more of such governmental bodies, institutions or organizations may not exist in the sponsoring municipality or in the surrounding county or counties, as the case may be, and that, even if the intended recipients do exist and satisfy the applicable conditions, any one or more of such allocations of the net commission revenues may fail because of legal invalidity or other reasons. The allocations of net commission revenues made pursuant to this section represent the legislative effort to confer an incidental benefit upon a wide spectrum of governmental and charitable activities, all of which may not be present in the same degree in every Class 1 municipality subject to this chapter. Therefore, the legal invalidity or other failure of one or more allocations of net commission revenues made pursuant to this section should not impair the general validity of this chapter or prevent the provisions hereof, other than those relating to the invalid or ineffective allocations, from being implemented as a coherent whole. If and to the extent that any allocation of net commission revenues made to any governmental body or any institution or organization is of such character as to cause this chapter to be a local act, it is the legislative intent that the provisions for such allocation be severed from this chapter and thereby prevented from causing this chapter to be a local act."

Section 33. Conducting Race Without License Prohibited; Wagering on Certain Races Prohibited. Section 11-65-37, Code of Alabama 1975, is hereby amended to read as follows:

"§11-65-37. Conducting race without license prohibited; wagering on certain races prohibited.

Any person who, directly or indirectly, holds any horse race or greyhound race without having procured a an operator's license as prescribed in this chapter shall be guilty of a misdemeanor. Any person wagering upon the results of such a race, except in the case of pari-mutuel wagering conducted by an operator in accordance with the provisions of this chapter, shall be guilty of a misdemeanor. Upon conviction of any of the above misdemeanors in a court of competent jurisdiction, the penalty shall be a fine of not less than \$1,000.00 ~~\$100.00~~, nor more than \$10,000.00 ~~\$1,000.00~~, or imprisonment of not less than five ~~ten~~ days nor more than six months, or both, such fine and imprisonment to be in the discretion of the court."

Section 34. Disqualification due to Gambling Activities. Section 11-65-38, Code of Alabama 1975, is hereby amended to read as follows:

"§11-65-38. Disqualification due to gambling activities.

No person who engages in the practice of professional gambling on horse races or greyhound races, or in the practice of making gambling or wagering books on such races, or who knowingly takes any part in such practice, shall be eligible as an applicant for any horse racing facility license or any operator's license to conduct horse racing or greyhound racing and pari-mutuel wagering ~~thereon permit to own or operate a racetrack or conduct racing activities~~ under the provisions of this chapter, or to be connected therewith with such licensed activities in any capacity, and any corporation, partnership or other entity which has an officer, director, stockholder, partner or executive or who employs any person who engages in such practices shall likewise be ineligible as a licensee, and each commission is hereby empowered to inquire into such matters in entertaining any such application and otherwise in administering this chapter."

Section 35. Tampering with Racing Animals Prohibited. Section 11-65-39, Code of Alabama 1975, is hereby amended to read as follows:

"§11-65-39. Tampering with horses racing animals prohibited.

No person shall influence or have any understanding or connivance with (i) any owner, trainer, jockey, driver, groom or other person associated with or interested in any stable, horse or race in which any horse participates, or (ii) any owner, trainer, handler, groom or other person associated with or interested in any kennel, greyhound or race in which any greyhound participates, to prearrange or predetermine the results of any such horse race or greyhound race, nor shall any person stimulate or depress a horse or greyhound, for the purpose of affecting the results of a race, by use of any electrical device or any electrical equipment or by any mechanical or other device not generally accepted as regulation racing equipment, nor shall any person stimulate or depress a horse or grey-

hound through the administration of any drug or chemical, or knowingly enter any horse or greyhound in any race within a period of 24 hours after any drug or chemical has been administered to such horse or greyhound, for the purpose of increasing or retarding the speed of such horse or greyhound.

No person shall, except for medical purposes, administer any poison, drug, medicine or other substance to any horse or greyhound entered or about to be entered in any race, or expose such substance to a horse or greyhound with the intent that it be taken, or cause any foreign substance to be taken by or placed upon or in the body of such horse or greyhound, with intent to impede or increase its speed, endurance, health or physical or mental condition.

Any person violating the provisions of this section shall be guilty of a felony and, upon conviction thereof, shall be imprisoned for not less than one year nor more than 10 years, or fined not less than ~~\$1,000.00~~ \$5,000.00 nor more than ~~\$5,000.00~~ \$50,000.00 or both, in the discretion of the court."

Section 36. Transmission of Racing Information Prohibited. Section 11-65-40, Code of Alabama 1975, is hereby amended to read as follows:

"§11-65-40. Transmission of racing information prohibited.

With the exception of televised simulcast programming television or radio coverage of horse races and greyhound races authorized in accordance with section 11-65-32, it shall be unlawful for any person to transmit or communicate to another by any means whatsoever the results, changing odds, track conditions, or other information relating to any horse race or greyhound race from any race-track in any a commission municipal jurisdiction sponsoring municipality between the period of time beginning one hour prior to the first race of the day and ending 30 minutes after the posting of the official results of each race, as to that particular race, except this period may be reduced to permit the transmitting of the result of the last race each day not sooner than 15 minutes after the official posting of such results; provided, however, that each a commission may by rule permit the immediate transmission by radio, television (other than television or radio coverage televised simulcast programming pursuant to section 11-65-32 hereof), or press wire of any pertinent information concerning feature races.

It shall be unlawful for any person to transmit by any means whatsoever racing information to any other person or relay the same to any other person by word of mouth, by signal, or by use of telephone, telegraph, radio or any other means when the information is knowingly used or intended to be used for illegal gambling purposes or in furtherance of such gambling purposes. It is the legislative intent that the improper use of instruments of communication referred to in the preceding sentence is prohibited and not the possession or lawful use of such instruments on the premises of any racing facility under the jurisdiction of a commission, and nothing contained in this chapter shall be construed to prohibit, or to authorize a commission to prohibit, the location of public telephones in or about a racing facility or the possession of portable telephones by members of the general public when attending racing events.

Any person violating the provisions of this section shall be guilty of a felony

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and, upon conviction, shall be imprisoned for not less than one year nor more than 10 years, or fined not less than ~~\$1,000.00~~ \$5,000.00 nor more than ~~\$5,000.00~~ \$50,000.00, or both, in the discretion of the court."

Section 37. Possession of Certain Drugs Prohibited. Section 11-65-41, Code of Alabama 1975, is hereby amended to read as follows:

"§11-65-41. Possession of certain drugs prohibited.

~~The possession or transportation of any drug or chemical except those permitted by regulations of the appropriate commission within the racing enclosure of a racing facility under the jurisdiction of a commission is prohibited except upon for those permitted by regulations of the commission or those justified by a bona fide veterinarian's prescription with a complete statement of uses and purposes on the container. Depending upon whether such prescription is for a horse or a greyhound, a copy thereof~~ A copy of such prescription shall be filed with the stewards for horse racing or the judges for greyhound racing, as the case may be."

Section 38. Presence of Underage Persons Prohibited. Section 11-65-44, Code of Alabama 1975, is hereby amended to read as follows:

"§11-65-44. Presence of Wagering by underage persons prohibited.

~~No person shall wager on or conduct any wagering on the outcome of a horse race pursuant to the provisions of this chapter unless such person be 21 years of age or older. No person shall accept any wager from a person under the age of 21 years. No person under 19 years of age shall be employed for any purpose in or about a racing facility where either horse racing or greyhound racing is conducted pursuant to any license issued by a commission under the provisions of this chapter, except as grooms, exercise workers and parking attendants. No person under 19 years of age shall be admitted to performances of horse racing or greyhound racing which are the subject of pari-mutuel wagering at any such racing facility, nor shall any person under 19 years of age be permitted to wager on any horse race or greyhound race conducted at such racing facility, nor shall any person employed by an operator accept a wager on any horse race or greyhound race from any person under 19 years of age."~~

Section 39. Exemption From Jurisdiction of State Racing Commission. Section 11-65-45, Code of Alabama 1975, is hereby amended to read as follows:

"§11-65-45. Exemption from jurisdiction of state racing commission.

~~In the event that a state racing commission shall be created, organized or established at any time, whether before or after April 16, 1991, April 5, 1984; each commission created hereunder under this chapter and all horse racing facility licensees owners and operators licensed thereby shall be exempt from the jurisdiction of such state racing commission and from the force and effect of all laws providing for or relating to such state racing commission, for a period beginning with April 5, 1984 and continuing until the fifth anniversary of the date on which racing events shall first be conducted under the jurisdiction of such~~

commission created hereunder. It is hereby expressly declared that no act enacted at the session of the legislature during which this chapter is enacted or at any subsequent session shall be construed to effect a repeal or negation of the exemption conferred by this section, whether by implication or otherwise, in the absence of a provision in such act expressly repealing the provisions of this section."

Section 40. Limitation of Personal Liability of Commission Members and Officers. Section 11-65-46, Code of Alabama 1975, relating to county elections to approve incorporation of a commission is hereby repealed in its entirety and the following new section shall be substituted therefor:

~~§11-65-46. County-wide referendum to approve pari-mutuel wagering.~~

~~Pari-mutuel wagering with respect to horse racing may not be conducted in the state within the corporate limits of any Class 1 municipality unless the conduct of such pari-mutuel wagering within such municipality shall have been approved at a referendum at which all of the qualified voters residing in the county or counties in which such municipality, or any part thereof, is located are permitted to cast votes.~~

~~In order to satisfy the requirement imposed by this section, any referendum called and held pursuant to and in accordance with the provisions of section 11-65-4 for the purpose of determining whether a commission shall be incorporated for a Class 1 municipality shall be converted into a referendum permitting participation by all qualified voters residing within the county or counties in which such municipality, or any part thereof, is located. In the event that a referendum for any municipality shall be converted to a referendum in any county or counties pursuant to this section, the conduct of pari-mutuel wagering within such municipality shall be deemed to have been approved at such referendum for the purposes of this section only if it shall have been approved by both (i) a majority of all of the voters casting votes in such referendum and (ii) a majority of the voters casting votes in such referendum who reside in such municipality. If pari-mutuel wagering is not approved in any referendum conducted pursuant to this section, whether because of an unfavorable majority of all votes cast or because of an unfavorable majority of the votes cast by voters residing in the municipality involved, then any subsequent referendum called and scheduled by the governing body of such municipality in accordance with the provisions of section 11-65-4 may be used to satisfy the requirement of this section, but only if such referendum is converted into a referendum permitting participation by all qualified voters residing within the county or counties in which such municipality, or any part thereof, is located.~~

~~Anything contained herein to the contrary notwithstanding, the provisions of this section providing for the conduct of county-wide referenda are hereby expressly declared to be severable from the other provisions of this chapter, and if such provisions of this section shall be determined by any court of competent jurisdiction to be invalid because of any defect in the notice required to be published with respect to this chapter by sections 106 and 110 of the Constitution of Alabama, as amended, or to be invalid for any other reason, such determination shall not affect, impair or invalidate the remaining provisions of this chapter (including, without limitation, the provisions of section 11-65-4 hereof).~~

"11-65-46. Limitation of personal liability of commission members and officers.

An individual member of a commission or any officer, employee or agent thereof shall not in any way be personally liable for any liability, loss, damage or expense suffered by any person as the result of any action taken by such commission, unless such liability, loss, damage or expense arises out of or results from the willful misconduct or wrongdoing of such member, officer, employee or agent."

Section 41. Applicability of Chapter; Severability of Provisions. Section 11-65-47, Code of Alabama 1975, is hereby amended to read as follows:

"§11-65-47. Applicability of chapter; severability of provisions.

Insofar as the provisions of this chapter may be inconsistent with the provisions of any other law concerning activities and actions authorized by this chapter, the provisions of this chapter shall control, it being specifically declared that any other provisions of existing law that prohibit or regulate horse racing; or greyhound racing and gambling or pari-mutuel wagering thereon shall not be applicable to any activities or actions authorized by and regulated pursuant to the provisions of this chapter.

The provisions of this chapter are expressly declared to be severable. If any provision of this chapter shall be adjudged to be invalid by any court of competent jurisdiction (including, without limitation thereto, any particular allocation of net commission revenues or other provision which, if not severed from this chapter, would cause it to be a local act in violation of any constitutional limitation or condition applicable to local acts), such provision shall be severed from this chapter in order to effectuate the legislative intent that such judgment shall not affect, impair or invalidate the remainder of this chapter, and the operation of such judgment shall be limited to the provision thereof directly involved in the action in which such judgment shall have been rendered."

Section 42. Section Captions. The section headings or captions contained in this act are included for convenience only and should not be considered a part of this act or affect in any manner the construction or interpretation of this act.

Section 43. Effective Date. This act shall become effective immediately upon its passage and approval by the Governor or upon its otherwise becoming law.

SUBSTITUTE ADOPTED

And the substitute was adopted.

Yeas 42; Nays 20.

Yea:

Mr. Speaker, Anderson, Barnes, Biddle, Bowling, Box, Bryant, Burke, Buskey (JL), Cagle, Campbell, Carns, Carothers, Cullins, Curry, Gaines, Gaston,

Hammett, Hawkins, Haynes, Holmes, Hooper, Johnson, Kvalheim, Mathis, McClain, Millican, Morrow, Morton, Newman, Payne, Penry, Petelos, Powell, Rogers (F), Rogers (J), Sanderson, Spratt, Thomas, Turner, Warren and Zoghby.

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Nay:

Representatives Beasley, Black (L), Clay, Crow, Drake, Hamilton, Hogan, Holley, Laird, Layson, McDowell, McKee, Mikell, Newton (C), Poole, Rich, Smith (C), Venable, Williams and Willis.

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The question was then on the adoption of the amendment # 1 reported by the Standing Committee on Tourism, Entertainment and Sports, said committee amendment being as follows:

Amend Substitute to H. 366 on Page 114, Section 32, line 25 by deleting subdivision (7) in its entirety and substituting in lieu thereof the following:

(7) One percent of the net commission revenues shall be allocated in total to any public body that operates an art museum in the sponsoring municipality; provided, however, if any commission shall be created pursuant to this chapter for which the sponsoring municipality shall be the City of Birmingham, then, and in such case, the one percent of the net commission revenues referred to in this paragraph shall be allocated in its entirety to the Birmingham Museum of Art;

Further amend Substitute to H. 366, Page 122, line 20 by changing the period at the end of the line to a semicolon and adding thereafter the following new paragraph:

n. One percent of the net commission revenues shall be allocated to the Alabama Sports Hall of Fame.

AMENDMENT ADOPTED

And the amendment # 1 was adopted.

Yeas 53; Nays 8.

Yea:

Representatives Anderson, Barnes, Beasley, Biddle, Bowling, Bryant, Burke, Buskey (JL), Cagle, Campbell, Carns, Carothers, Carter, Crow, Cullins, Curry, Escott-Russell, Ford, Gaines, Gaston, Hammett, Hawkins, Haynes, Higginbotham, Holmes, Hooper, Johnson, Knight, Kvalheim, Mathis, McClain, McDowell, McKee, Millican, Morrow, Morton, Newman, Newton (D), Payne, Penry, Perdue, Petelos, Poole, Powell, Rich, Rogers (F), Rogers (J), Sanderson, Smith (R), Spratt, Thomas, Warren and Zoghby.

-53

Nay:

Representatives Black (L), Drake, Hamilton, Hogan, Laird, Layson, Smith (C) and Willis.

- 8

The question was then on the adoption of the amendment #2 reported by the Standing Committee on Tourism, Entertainment and Sports, said committee amendment being as follows:

Amend Substitute to H. 366 on Page 121, Section 32, Line 20, by deleting line 20 in its entirety and substituting in lieu thereof the following: be divided equally between Prescott House, Inc. and the Child Advocacy Center in Bessemer;

AMENDMENT ADOPTED

And the amendment #2 was adopted.

Yeas 47; Nays 10.

Yea:

Representatives Anderson, Barnes, Beasley, Biddle, Bowling, Bryant, Burke, Buskey (JL), Cagle, Campbell, Carns, Carothers, Carter, Cullins, Curry, Escott-Russell, Ford, Gaines, Gaston, Hammett, Hawkins, Haynes, Higginbotham, Holmes, Hooper, Johnson, Kvalheim, Mathis, McClain, McDowell, Millican, Morrow, Morton, Newman, Newton (D), Payne, Perdue, Petelos, Powell, Rogers (F), Rogers (J), Sanderson, Spratt, Thomas, Turner, Warren and Zoghby.

-47

Nay:

Representatives Crow, Drake, Hamilton, Hogan, Laird, Layson, McKee, Poole, Smith (C) and Willis.

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MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has concurred in and adopted the Executive amendment to the Resolution:

H.J.R. 7. PROVIDING FURTHER FOR EXPENSE ALLOWANCES AND PER DIEM.

by a majority of the whole number elected to the Senate, said vote being: Yeas 19, Nays 12.

And said Resolution, H.J.R. 7, together with the Executive amendment, is herewith returned to the House.

MCDOWELL LEE
Secretary

**REPORT OF THE STANDING COMMITTEE
ON RULES ON ENROLLED AND ENGROSSED BILLS**

Mr. Speaker Pro Tem:

Your Standing Committee on Rules begs leave to report that it has examined the following House Joint Resolution, to-wit:

H.J.R. 7. PROVIDING FURTHER FOR EXPENSE ALLOWANCES AND PER DIEM.

And finds same correctly enrolled with Executive Amendment.

TOMMY CARTER
Chairman

SIGNING OF HOUSE JOINT RESOLUTION

The Speaker Pro Tem of the House, in the presence of the House, immediately after the title had been publicly read by the Clerk, the reading at length having been dispensed with by a two-thirds vote of a quorum present, signed the House Joint Resolution, the title of which is set out in the foregoing Report of the Standing Committee on Rules.

H. 366 RESUMED

SUBSTITUTE OFFERED

Representative Payne offered the following substitute to the bill, H. 366, as amended:

To provide for and create the Jefferson County Racing Commission for the regulating, licensing and supervision of greyhound racing and wagering thereon; to prescribe the composition, appointment, powers and duties of the racing commission; to provide for and regulate the pari-mutuel method of wagering; to provide for the distribution of license fees, taxes, commissions and other monies received under the provisions of the act; to provide certain penalties for the violation of this act and for other purposes relative thereto; to provide for simulcast broadcast of racing events at certain locations and wagering on said

broadcasts; and to provide for a referendum of the voters of the county on the question of whether the act will become effective.

SUBSTITUTE TO SUBSTITUTE OFFERED

Representative Payne offered the following substitute to the substitute offered by him to the bill, H. 366, as amended:

To provide for and create the Jefferson County Racing Commission for the regulating, licensing and supervision of greyhound racing and wagering thereon; to prescribe the composition, appointment, powers and duties of the racing commission; to provide for and regulate the pari-mutuel method of wagering; to provide for the distribution of license fees, taxes, commissions and other monies received under the provisions of the act; to provide certain penalties for the violation of this act and for other purposes relative thereto; to provide for simulcast broadcast of racing events at certain locations and wagering on said broadcasts; and to provide for a referendum of the voters of the county on the question of whether the act will become effective.

MOTION TO INDEFINITELY POSTPONE LOST

The motion offered by Representative Payne to indefinitely postpone the bill, H. 366, as amended, and the pending substitutes offered by him, was lost.

Yeas 24; Nays 53.

Yea:

Representatives Black (L), Buskey (JL), Clay, Crow, Drake, Grayson, Hamilton, Haney, Hogan, Holley, Holmes, Johnson, Layson, McKee, McMillan, Mikell, Morton, Newton (C), Payne, Poole, Rich, Smith (C), Smith (R) and Willis.

-24

Nay:

Representatives Anderson, Beasley, Biddle, Black (M), Bowling, Bryant, Bugg, Burke, Buskey (JE), Butler, Cagle, Campbell, Carns, Clark (W), Cosby, Cullins, Curry, Escott-Russell, Ford, Gaines, Gaston, Hall, Hammett, Harper, Harvey, Hawkins, Haynes, Higginbotham, Holladay, Hooper, Kennedy, Knight, Kvalheim, Lindsey, Mathis, Millican, Morrow, Newman, Newton (D), Penry, Perdue, Petelos, Powell, Richardson, Rockhold, Rogers (F), Rogers (J), Sanderson, Spratt, Thomas, Turner, Warren and Zoghby.

-53

SUBSTITUTE TO SUBSTITUTE TABLED

On motion of Representative Petelos, the substitute offered by Representative Payne to the substitute offered by Representative Payne to the bill, H. 366, as amended, was tabled.

Yeas 46; Nays 28.

Yea:

Mr. Speaker, Anderson, Biddle, Bowling, Bugg, Burke, Buskey (JE), Buskey (JL), Cagle, Campbell, Carns, Cosby, Curry, Escott-Russell, Ford, Gaines, Gaston, Hammett, Harper, Harvey, Hawkins, Higginbotham, Holladay, Holmes, Hooper, Kennedy, Knight, Kvalheim, Mathis, McClain, McDowell, Melton, Morrow, Newman, Newton (D), Penry, Perdue, Petelos, Powell, Rockhold, Rogers (F), Sanderson, Spratt, Thomas, Turner and Zoghby.

-46

Nay:

Representatives Beasley, Black (L), Bryant, Crow, Cullins, Dolbare, Drake, Grayson, Hamilton, Haney, Hogan, Holley, Johnson, Layson, McKee, McMillan, Mikell, Morton, Newton (C), Payne, Poole, Rich, Rogers (J), Smith (C), Smith (R), Starkey, Warren and Willis.

-28

SUBSTITUTE TABLED

On motion of Representative Petelos, the substitute offered by Representative Payne to the bill, H. 366, as amended, was tabled.

Yeas 42; Nays 31.

Yea:

Mr. Speaker, Anderson, Biddle, Bowling, Burke, Buskey (JL), Campbell, Carter, Cosby, Curry, Escott-Russell, Ford, Gaines, Gaston, Hall, Hammett, Harper, Harvey, Hawkins, Higginbotham, Holladay, Hooper, Johnson, Knight, Kvalheim, Mathis, Millican, Morrow, Newman, Newton (D), Penry, Perdue, Petelos, Powell, Rockhold, Rogers (F), Rogers (J), Spratt, Thomas, Turner, Warren and Zoghby.

-42

Nay:

Representatives Barnes, Beasley, Black (L), Bryant, Cagle, Carns, Crow, Cullins, Dolbare, Drake, Grayson, Hamilton, Haney, Hogan, Holley, Layson, McClain, McDowell, McKee, McMillan, Mikell, Morton, Newton (C), Payne, Poole, Rich, Sanderson, Smith (C), Smith (R), Starkey and Willis.

-31

AMENDMENT OFFERED

Representative Black (L) offered the following amendment to the bill, H. 366, as amended:

Amend H. 366 as follows:

On page 3, line 4, beginning with the word "to" delete all language through and including the word "televised" on line 18 and insert in lieu thereof the following: to provide that horse racing or greyhound racing events conducted at the racing facility within the sponsoring municipality under the jurisdiction of a commission shall be subject to pari-mutuel wagering for which the pari-mutuel pools shall be composed only of bets placed by bettors at such facility within the sponsoring municipality; to prohibit any telecasting or televising of such racing events outside of the racing facility located within the sponsoring municipality;

On page 18, lines 11, 12 and 13, insert a period after the word "racing" on line 11. Delete all language within the parentheses on lines 11, 12 and 13 beginning with "including" through and including "elsewhere"

On page 19, lines 8, 9 and 10, insert a period after the word "racing" on line 8. Delete all language within the parentheses on lines 8, 9 and 10 beginning with "including" through and including "elsewhere"

On page 104, lines 16 and 17, delete all of the new underlined language and restore the deleted words "television or radio transmission"

On page 104, line 18, delete all of the language in Section 11-65-32 ending on page 108, line 12, in its entirety and insert in lieu thereof a new Section 11-65-32 to read as follows:

Televised simulcast programming of horse racing and greyhound racing events held at the racing facility located within the sponsoring municipality is hereby prohibited from being transmitted for public viewing to any racing facility located outside of the sponsoring municipality. Racing events conducted at the racing facility within the sponsoring municipality under the jurisdiction of a commission shall be subject to pari-mutuel wagering for which the pari-mutuel pools shall be composed only of bets placed by bettors at such facility within the sponsoring municipality. A commission shall have the power to adopt rules and regulations for both live and delayed closed circuit televising (with such closed circuit confined to viewers within such facility) of racing events being held at the racing facility within the sponsoring municipality.

On page 126, line 25, beginning with the word "With" delete all language through and including "11-65-32" on line 27

On page 126, line 27, insert a period in the place of the comma after the numbers "11-65-32" and capitalize the word "it"

On page 127, lines 6 and 7, delete all language within the parenthesis

AMENDMENT TABLED

On motion of Representative Petelos, the amendment offered by Representative Black (L) to the bill, H. 366, was tabled.

Yeas 45; Nays 28.

Yea:

Representatives Anderson, Beasley, Black (M), Bowling, Bugg, Burke, Butler, Cagle, Campbell, Carter, Cosby, Curry, Ford, Gaines, Gaston, Hall, Hammett, Harper, Hawkins, Haynes, Higginbotham, Holladay, Hooper, Johnson, Knight, Kvalheim, Mathis, McClain, Millican, Morrow, Morton, Newman, Newton (D), Perdue, Petelos, Powell, Rogers (F), Rogers (J), Sanderson, Spratt, Starkey, Thomas, Turner, Warren and Zoghby.

-45

Nay:

Representatives Biddle, Black (L), Bryant, Clay, Crow, Cullins, Dolbare, Drake, Grayson, Hamilton, Haney, Harvey, Hogan, Holley, Kennedy, McDaniel, McDowell, McKee, McMillan, Melton, Mikell, Payne, Penry, Poole, Rich, Smith (C), Smith (R) and Willis.

-28

AMENDMENT OFFERED

Representative Payne offered the following amendment #1 to the bill, H. 366, as amended:

Amend H. 366 on page 98, Section 25(c)(1), line 27 by striking after the word of (i) the following: ~~two percent~~ and inserting in lieu thereof, the following: four percent

AMENDMENT TABLED

On motion of Representative Petelos, the amendment #1 offered by Representative Payne to the bill, H. 366, as amended, was tabled.

Yeas 33; Nays 31.

Yea:

Representatives Anderson, Biddle, Bowling, Bryant, Bugg, Burke, Buskey (JL), Campbell, Carns, Carothers, Carter, Cosby, Curry, Ford, Gaines, Gaston, Hammett, Hawkins, Higginbotham, Johnson, Kvalheim, Mathis, Morrow, Newman, Newton (D), Petelos, Powell, Rockhold, Rogers (F), Spratt, Thomas, Warren and White.

-33

Nay:

Representatives Black (L), Butler, Cagle, Clay, Crow, Cullins, Dolbare, Drake, Grayson, Hall, Hamllton, Haney, Hogan, Holley, Knight, Layson, McClain, McDaniel, McDowell, McKee, McMillan, Mikell, Morton, Newton (C), Payne, Penry, Poole, Rich, Smith (C), Smith (R) and Willis.

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MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has concurred in and adopted the following House Joint Resolutions and returns same herewith to the House:

H.J.R. 107. COMMENDING SOUTHERN UNION STATE JUNIOR COLLEGE, WADLEY, ALABAMA, ON RECOGNITION BY THE NATIONAL COUNCIL FOR MARKETING AND PUBLIC RELATIONS.

Also:

H.J.R. 108. RECOGNIZING THE ACCOMPLISHMENTS OF THE TALLADEGA CLAY RANDOLPH COOSA CHILD CARE CORPORATION.

Also:

H.J.R. 109. CONGRATULATING MRS. MINNIE TURNBO OF WHISTLER, ALABAMA, ON THE OCCASION OF HER 110TH BIRTHDAY.

Also:

H.J.R. 116. COMMENDING SHELLIE PHILLIPS OF BESSEMER, ALABAMA, A DISTINGUISHED PATRIOT AND VETERAN OF WORLD WAR I.

MCDOWELL LEE
Secretary

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has concurred in and adopted the following House Joint Resolution and returns same herewith to the House:

H.J.R. 104. COMMENDING JULIE MOON OWENS OF CENTREVILLE, ALABAMA, FOR OUTSTANDING ACADEMIC ACHIEVEMENT AND LEADERSHIP.

MCDOWELL LEE
Secretary

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has concurred in and adopted the following House Joint Resolution and returns same herewith to the House:

H.J.R. 99. CREATING A JOINT INTERIM LEGISLATIVE COMMITTEE FOR THE PROMOTION OF THE TENNESSEE-TOMBIGBEE WATERWAY.

MCDOWELL LEE
Secretary

H. 366 RESUMED**AMENDMENT OFFERED**

Representative Payne offered the following amendment #2 to the bill, H. 366, as amended:

Amend H. 366 on page 108, Section 29, line 15 by adding after the word municipality the following: and the county commission of county in which track is located

AMENDMENT TABLED

On motion of Representative Petelos, the amendment #2 offered by Representative Payne to the bill, H. 366, as amended, was tabled.

Yeas 33; Nays 28.

Yea:

Mr. Speaker, Anderson, Beasley, Biddle, Bowling, Bugg, Burke, Buskey (JL), Campbell, Carns, Curry, Ford, Gaines, Gaston, Hammett, Hawkins, Higginbotham, Hooper, Kvalheim, Mathis, McClain, Morrow, Newman, Newton (D), Penry, Petelos, Rockhold, Sanderson, Spratt, Thomas, Warren, White and Zoghby.

-33

Nay:

Representatives Black (L), Cagle, Clay, Cosby, Crow, Cullins, Dolbare, Drake, Grayson, Hall, Haney, Hogan, Holley, Johnson, Layson, McDowell, McKee, McMillan, Mikell, Morton, Newton (C), Payne, Powell, Rogers (F), Smith (C), Smith (R), Williams and Willis.

-28

AMENDMENT OFFERED

Representative Payne offered the following amendment #3 to the bill, H. 366, as amended:

Amend H. 366 on page 59, Section 10(21), line 25 by adding after the word "report." the following: Certified financial reports shall be mailed annually to each host county legislator.

AMENDMENT ADOPTED

And the amendment #3 was adopted.

Yeas 73; Nays 0.

Yea:

Mr. Speaker, Anderson, Barnes, Beasley, Biddle, Black (L), Bowling, Bryant, Bugg, Burke, Buskey (JE), Buskey (JL), Butler, Cagle, Campbell, Carns, Carter, Cosby, Crow, Cullins, Curry, Dolbare, Drake, Escott-Russell, Ford, Gaston, Hall, Hammett, Haney, Harper, Harvey, Hawkins, Haynes, Higginbotham, Hogan, Holley, Hooper, Johnson, Knight, Kvalheim, Layson, Lindsey, Mathis, McClain, McDaniel, McDowell, McKee, McMillan, Melton, Mikell, Millican, Morrow, Morton, Newman, Newton (C), Newton (D), Payne, Powell, Richardson, Rockhold, Rogers (F), Rogers (J), Sanderford, Sanderson, Smith (C), Smith (R), Spratt, Thomas, Warren, White, Williams, Willis and Zoghby.

-73

**REPORT OF THE STANDING COMMITTEE
ON RULES ON ENROLLED AND ENGROSSED BILLS**

Mr. Speaker Pro Tem:

Your Standing Committee on Rules begs leave to report that it has examined the following House Joint Resolutions, to-wit:

H.J.R. 99. CREATING A JOINT INTERIM LEGISLATIVE COMMITTEE FOR THE PROMOTION OF THE TENNESSEE-TOMBIGBEE WATERWAY.

Also:

H.J.R. 104. COMMENDING JULIE MOON OWENS OF CENTREVILLE, ALABAMA, FOR OUTSTANDING ACADEMIC ACHIEVEMENT AND LEADERSHIP.

And finds same correctly enrolled.

TOMMY CARTER
Chairman

SIGNING OF HOUSE JOINT RESOLUTIONS

The Speaker Pro Tem of the House, in the presence of the House, immediately after the titles had been publicly read by the Clerk, the reading at length having been dispensed with by a two-thirds vote of a quorum present, signed the House Joint Resolutions, the titles of which are set out in the foregoing Report of the Standing Committee on Rules.

H. 366 RESUMED**AMENDMENT OFFERED**

Representative Payne offered the following amendment #4 to the bill, H. 366, as amended:

Amend H. 366 on page 101, Section 26(a), line 12 by striking after the word "year," the following: the remainder of Section 26(a)

AMENDMENT TABLED

On motion of Representative Petelos, the amendment #4 offered by Representative Payne to the bill, H. 366, as amended, was tabled.

Yeas 30; Nays 29.

Yea:

Mr. Speaker, Barnes, Beasley, Bowling, Bugg, Burke, Buskey (JL), Cagle, Campbell, Carns, Crow, Ford, Gaines, Gaston, Hall, Hammett, Hawkins, Higginbotham, Hooper, Kvalheim, Mathis, McClain, Melton, Newman, Petelos, Rockhold, Rogers (J), Sanderson, Spratt and Zoghby.

Nay:

Representatives Anderson, Biddle, Black (L), Clay, Cullins, Curry, Dolbare, Drake, Hamilton, Hogan, Holley, Knight, Layson, McDowell, McKee, McMillan, Mikell, Morrow, Morton, Penry, Powell, Rich, Rogers (F), Sanderford, Smith (C), Smith (R), Warren, Williams and Willis.

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**REPORT OF THE STANDING COMMITTEE
ON RULES ON ENROLLED AND ENGROSSED BILLS**

Mr. Speaker Pro Tem:

Your Standing Committee on Rules begs leave to report that it has examined

the following House Joint Resolutions, to-wit:

H.J.R. 107. COMMENDING SOUTHERN UNION STATE JUNIOR COLLEGE, WADLEY, ALABAMA, ON RECOGNITION BY THE NATIONAL COUNCIL FOR MARKETING AND PUBLIC RELATIONS.

Also:

H.J.R. 108. RECOGNIZING THE ACCOMPLISHMENTS OF THE TALLADEGA CLAY RANDOLPH COOSA CHILD CARE CORPORATION.

Also:

H.J.R. 109. CONGRATULATING MRS. MINNIE TURNBO OF WHISTLER, ALABAMA, ON THE OCCASION OF HER 110TH BIRTHDAY.

Also:

H.J.R. 116. COMMENDING SHELLIE PHILLIPS OF BESSEMER, ALABAMA, A DISTINGUISHED PATRIOT AND VETERAN OF WORLD WAR I.

And finds same correctly enrolled.

TOMMY CARTER
Chairman

SIGNING OF HOUSE JOINT RESOLUTIONS

The Speaker Pro Tem of the House, in the presence of the House, immediately after the titles had been publicly read by the Clerk, the reading at length having been dispensed with by a two-thirds vote of a quorum present, signed the House Joint Resolutions, the titles of which are set out in the foregoing Report of the Standing Committee on Rules.

H. 366 RESUMED

AMENDMENT OFFERED

Representative Clay offered the following amendment # 1 to the bill, H. 366, as amended:

To amend H. 366 as follows:

On page 112, line 14, insert a new paragraph b. and reletter subsequent paragraphs accordingly:

b. Jefferson County net commission revenues shall be increased by two percent to be used to indemnify Greene and Macon Counties against a reduction in revenue from greyhound tracks in said Counties as a result of increased compe-

tion from greyhound racing in Jefferson County.

The additional two percent shall be placed in escrow and an average of the last three years shall be used to determine if there was a decrease in revenue from the greyhound racing facilities in Green and Macon Counties; the money in escrow shall be used for indemnification of said counties and the balance of the money in escrow shall be remitted to Jefferson County.

AMENDMENT TABLED

On motion of Representative Petelos, the amendment #1 offered by Representative Clay to the bill, H. 366, as amended, was tabled.

Yeas 50; Nays 14.

Yea:

Mr. Speaker, Anderson, Barnes, Biddle, Black (M), Bryant, Bugg, Burke, Buskey (JL), Butler, Cagle, Campbell, Carns, Crow, Cullins, Curry, Escott-Russell, Ford, Freeman, Gaines, Gaston, Hall, Hammett, Haney, Harper, Hawkins, Higginbotham, Hogan, Holladay, Hooper, Knight, Kvalheim, McClain, Millican, Morrow, Morton, Newton (D), Penry, Petelos, Powell, Rockhold, Rogers (F), Rogers (J), Sanderson, Smith (C), Spratt, Warren, White, Willis and Zoghby.

-50

Nay:

Representatives Black (L), Clay, Dolbare, Drake, Grayson, Layson, Mathis, McKee, McMillan, Newman, Payne, Rich, Thomas and Turner.

-14

AMENDMENT OFFERED

Representative Clay offered the following amendment #2 to the bill, H. 366, as amended:

To amend H. 366 as follows:

On page 3, line 10, after the word "include" delete the following word "both"

On page 3, line 22, delete the following: "and bettors placing their bets at other locations in the state or in other states; to provide that horse racing or greyhound racing events conducted at a racing facility under the jurisdiction of a commission may be televised to other locations in the state or in other states and made the subject of pari-mutuel wagering for which the pari-mutuel pools may include both bettors placing their bets at the racing facility under the jurisdiction

of a commission and bettors placing their bets at other locations to which such racing events are televised"

On page 18, line 11, delete the following: "(including wagering on greyhound racing events televised to such licensed location from elsewhere)"

On page 105, line 9, delete subsection (b) in its entirety and reletter subsequent subsections accordingly.

On page 105, line 25, delete subsection (c) in its entirety and reletter subsequent subsections accordingly.

On page 106, line 17, after the word "locations" delete the following: "outside the sponsoring municipality and"

On page 106, line 18, after the word "state" delete the following: "or in other states"

On page 106, line 20, delete subsection "(e)" in its entirety and reletter subsequent subsections accordingly.

On page 107, line 12, delete subsection "(f)" in its entirety and reletter subsequent subsections accordingly.

On page 108, line 10, after the word "jurisdiction" delete the following: "unless such wagering has been independently authorized by a local or general law (other than this chapter) applicable to such location"

AMENDMENT TABLED

On motion of Representative Petelos, the amendment #2 offered by Representative Clay to the bill, H. 366, as amended, was tabled.

Yeas 48; Nays 16.

Yea:

Mr. Speaker, Anderson, Barnes, Beasley, Biddle, Bryant, Bugg, Burke, Buskey (JL), Butler, Cagle, Campbell, Carns, Cosby, Curry, Dolbare, Ford, Gaines, Gaston, Hammett, Haney, Harper, Harvey, Hawkins, Higginbotham, Hogan, Holladay, Hooper, Knight, Kvalheim, Mathis, McClain, McDowell, Morrow, Morton, Payne, Penry, Petelos, Rockhold, Rogers (F), Rogers (J), Sanderson, Spratt, Thomas, Warren, White, Willis and Zoghby.

-48

Nay:

Representatives Clay, Crow, Drake, Grayson, Hall, Hamilton, Holley, Layson, McKee, McMillan, Newman, Powell, Rich, Smith (R), Turner and Williams.

-16

AMENDMENT OFFERED

Representative Clay offered the following amendment # 3 to the bill, H. 366, as amended:

To amend H. 366 as follows:

On page 2, line 22, delete "successive three year renewal terms after the initial term of 20" and insert the following: automatic renewal for five year renewal terms after the initial term of five years, unless good cause is shown for nonrenewal

On page 70, line 23, after the word "of" strike "20" and insert the following:
5

On page 70, line 23, after the word "annually" insert the following: automatic renewal for five year renewal terms after the initial term of five years, unless good cause is shown for nonrenewal

On page 80, line 21, after the word "of" strike "20" and insert the following:
5

On page 81, line 14, after the word "of" delete "three" and insert the following: five

AMENDMENT TABLED

On motion of Representative Petelos, the amendment #3 offered by Representative Clay to the bill, H. 366, as amended, was tabled.

Yeas 52; Nays 12.

Yea:

Mr. Speaker, Anderson, Barnes, Beasley, Biddle, Bowling, Bugg, Burke, Butler, Cagle, Campbell, Carns, Carter, Cosby, Crow, Curry, Ford, Gaines, Gaston, Hall, Hammett, Haney, Harper, Hawkins, Higginbotham, Hogan, Holladay, Hooper, Johnson, Knight, Kvalheim, Mathis, McClain, McDowell, Millican, Morrow, Morton, Newman, Newton (D), Payne, Penry, Petelos, Rockhold, Rogers (F), Rogers (J), Sanderson, Spratt, Thomas, Warren, White, Willis and Zoghby.

-52

Nay:

Representatives Black (L), Clay, Dolbare, Drake, Grayson, Hamilton, Holley, Layson, McKee, Rich, Smith (C) and Turner.

-12

AMENDMENT OFFERED

Representative Clay offered the following amendment #4 to the bill, H. 366, as amended:

To amend H. 366 as follows:

On page 124, line 25, insert a new Section 33 and renumber subsequent sections accordingly:

Section 33. (a) Relatives of elected officials in Jefferson County, members of the Legislature of Alabama, or state constitutional officers are ineligible for employment with the racing facility located in Jefferson County.

(b) The Legislatures of the state of Alabama are hereby prohibited from receiving or having any pecuniary interest in the racing facility located in Jefferson County.

AMENDMENT TABLED

On motion of Representative Petelos, the amendment #4 offered by Representative Clay to the bill, H. 366, as amended, was tabled.

Yeas 43; Nays 30.

Yea:

Mr. Speaker, Anderson, Barnes, Biddle, Bowling, Bryant, Bugg, Burke, Buskey (JL), Butler, Campbell, Carns, Carter, Cosby, Curry, Ford, Gaines, Gaston, Hall, Hammett, Haney, Harper, Hawkins, Higginbotham, Holmes, Knight, Mathis, Millican, Morrow, Morton, Newman, Payne, Petelos, Powell, Rockhold, Rogers (F), Rogers (J), Sanderson, Spratt, Warren, White, Willis and Zoghby.

-43

Nay:

Representatives Beasley, Black (L), Buskey (JE), Cagle, Clay, Crow, Cullins, Dolbare, Drake, Grayson, Hamilton, Hogan, Holley, Hooper, Johnson, Kennedy, Kvalheim, Layson, McDaniel, McDowell, McKee, McMillan, Mikell, Newton (C), Penry, Rich, Smith (C), Smith (R), Thomas and Turner.

-30

AMENDMENT OFFERED

Representative Clay offered the following amendment #5 to the bill, H. 366, as amended:

To amend H. 366 as follows:

On page 50, line 20, after the period, delete the following: "neither"

On page 50, line 29, strike the word "nor" and insert the following: or

On page 51, line 2, after the word "information" delete the following: "unless for good cause it can be shown that such information is necessary to enforce compliance with the provisions of this chapter"

AMENDMENT TABLED

On motion of Representative Petelos, the amendment #5 offered by Representative Clay to the bill, H. 366, as amended, was tabled.

Yeas 37; Nays 31.

Yea:

Mr. Speaker, Anderson, Barnes, Biddle, Bowling, Bryant, Bugg, Burke, Buskey (JL), Butler, Campbell, Carns, Carter, Cosby, Curry, Ford, Gaines, Hammett, Harper, Hawkins, Higginbotham, Knight, McDowell, Millican, Morrow, Morton, Payne, Petelos, Rockhold, Rogers (F), Rogers (J), Sanderson, Spratt, Thomas, Warren, Willis and Zoghby.

-37

Nay:

Representatives Beasley, Black (L), Clay, Crow, Cullins, Dolbare, Drake, Freeman, Gaston, Grayson, Hall, Hamilton, Haney, Hogan, Holley, Hooper, Johnson, Kvalheim, Layson, Mathis, McKee, McMillan, Mikell, Newman, Newton (C), Penry, Powell, Rich, Smith (C), Smith (R) and Turner.

-31

AMENDMENT OFFERED

Representative Clay offered the following amendment # 6 to the bill, H. 366, as amended:

To amend H. 366 as follows:

On page 51, line 25, after the word "held" delete the following:

"; provided, however, that neither a horse racing facility licensee nor an operator shall be required to disclose the exact percentage of ownership interest in such licensee or operator held by any person to any extent other than that such interest is five percent or less, more than five percent but less than or equal to fifty percent, or greater than fifty percent"

AMENDMENT TABLED

On motion of Representative Petelos, the amendment #6 offered by Representative Clay to the bill, H. 366, as amended, was tabled.

Yeas 39; Nays 34.

Yea:

Mr. Speaker, Anderson, Barnes, Beasley, Biddle, Bowling, Bugg, Burke, Cagle, Campbell, Carns, Cosby, Crow, Curry, Escott-Russell, Ford, Gaines, Gaston, Hammett, Harper, Hawkins, Higginbotham, Holladay, Hooper, Kvalheim, McClain, Millican, Morton, Newman, Newton (D), Petelos, Rockhold, Rogers (F), Rogers (J), Sanderson, Spratt, Thomas, Warren and Zoghby.

-39

Nay:

Representatives Black (L), Bryant, Butler, Clay, Cullins, Dolbare, Drake, Grayson, Hall, Hamilton, Haney, Hogan, Holley, Holmes, Johnson, Knight, Layson, McDaniel, McKee, McMillan, Melton, Mikell, Morrow, Newton (C), Payne, Penry, Powell, Rich, Sanderford, Smith (C), Smith (R), Turner, Williams and Willis.

-34

PERMISSION GRANTED

Permission was granted for the Journal to reflect that Representative Butler intended to vote "Nay" on adoption of the amendment #5 offered by Representative Clay relating to the bill, H. 366, as amended.

MOTION TO REMOVE FROM TABLE ADOPTED

Having voted on the prevailing side by which the amendment #4 offered by Representative Clay to the bill, H. 366, as amended, was tabled, Representative Gaston offered the motion to remove the amendment #4 from the table, and the motion was adopted.

Yeas 46; Nays 27.

Yea:

Representatives Beasley, Black (L), Burke, Buskey (JE), Buskey (JL), Butler, Cagle, Clay, Crow, Cullins, Curry, Dolbare, Gaston, Grayson, Gullatt, Hamilton, Haney, Hill, Hogan, Holley, Hooper, Johnson, Kennedy, Knight, Kvalheim, Layson, Lindsey, McDaniel, McDowell, McKee, McMillan, Mikell, Morrow, Newton (C), Payne, Penry, Rich, Richardson, Rogers (F), Sanderford, Smith (C), Smith (R), Turner, Warren, Willis and Zoghby.

-46

Nay:

Mr. Speaker, Anderson, Barnes, Biddle, Bowling, Bryant, Bugg, Campbell, Carns, Cosby, Drake, Escott-Russell, Ford, Gaines, Hammett, Harper, Hawkins, Higginbotham, Holladay, McClain, Morton, Newman, Newton (D), Petelos, Rogers (J), Sanderson and Spratt.

-27

AMENDMENT WITHDRAWN

At the request of Representative Clay, unanimous consent was granted to withdraw the amendment # 4 offered by him to the bill, H. 366, as amended.

MOTION TO ADJOURN LOST

The motion offered by Representative Grayson that the House adjourn until 10:00 o'clock a.m., Thursday, April 9, 1991, was lost.

PERMISSION GRANTED

Permission was granted for the Journal to reflect that Representative Haynes abstained from voting on the amendment # 4 offered by Representative Clay to the bill, H. 366, as amended, due to possible conflict of interest.

AMENDMENT OFFERED

Representative Clay offered the following amendment # 7 to the bill, H. 366, as amended:

To amend H. 366 as follows:

On page 124, line 25, insert a new Section 33 and renumber subsequent sections accordingly:

Section 33. (a) Spouses & children of elected officials in Jefferson County, members of the Legislature of Alabama, or state constitutional officers are ineligible for employment with the racing facility located in Jefferson County.

(b) The Legislators of the state of Alabama, and city and county elected officials of Jefferson County are hereby prohibited from receiving or having any pecuniary interest in the racing facility located in Jefferson County.

SUBSTITUTE AMENDMENT OFFERED

Representative Holmes offered the following substitute amendment to the

amendment #7 offered by Representative Clay to the bill, H. 366, as amended:

To amend H. 366 as follows:

On page 124, line 25, insert a new Section 33 and renumber subsequent sections accordingly:

Section 33. (a) Elected officials in Jefferson County, members of the Legislature of Alabama, or state constitutional officers are ineligible for employment with the racing facility located in Jefferson County.

(b) The legislators of the state of Alabama are hereby prohibited from receiving or having any pecuniary interest in the racing facility located in Jefferson County.

SUBSTITUTE AMENDMENT TABLED

On motion of Representative McKee, the substitute amendment offered by Representative Holmes to the amendment #7 offered by Representative Clay to the bill, H. 366, as amended, was tabled.

Yeas 51; Nays 14.

Yea:

Representatives Beasley, Black (L), Bowling, Bryant, Buskey (JE), Buskey (JL), Butler, Cagle, Carter, Clay, Cosby, Crow, Cullins, Curry, Dolbare, Ford, Gaines, Gaston, Grayson, Haney, Hawkins, Haynes, Hill, Hogan, Holley, Hooper, Johnson, Knight, Layson, McDaniel, McKee, McMillan, Melton, Mikell, Millican, Morrow, Morton, Newton (C), Penry, Petelos, Rich, Rogers (F), Sanderson, Smith (R), Spratt, Turner, Walker, Warren, Williams, Willis and Zoghby.

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Nay:

Representatives Anderson, Burke, Drake, Escott-Russell, Hamilton, Harper, Holmes, Kennedy, McClain, McDowell, Newman, Rogers (J), Smith (C) and Thomas.

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MOTION TO TABLE LOST

The motion offered by Representative Ford to table the amendment #7 offered by Representative Clay to the bill, H. 366, as amended, was lost.

Yeas 35; Nays 39.

Yea:

Mr. Speaker, Anderson, Barnes, Beasley, Biddle, Bowling, Bryant, Burke, Buskey (JL), Campbell, Carns, Cullins, Escott-Russell, Ford, Gaines, Hall, Hammett, Harper, Harvey, Hill, Mathis, McClain, Millican, Morrow, Morton, Newman, Rockhold, Rogers (F), Rogers (J), Sanderson, Smith (R), Spratt, Thomas, Warren and Zoghby.

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Nay:

Representatives Black (L), Bugg, Buskey (JE), Butler, Cagle, Clay, Cosby, Crow, Curry, Dolbare, Drake, Gaston, Grayson, Gullatt, Hamilton, Haney, Hawkins, Hogan, Holley, Holmes, Hooper, Johnson, Kennedy, Knight, Kvalheim, Layson, McKee, McMillan, Mikell, Newton (C), Payne, Penry, Powell, Rich, Smith (C), Turner, Walker, Williams and Willis.

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REPORT FILED

The Final Report of the 1991-92 Legislative Budget Hearings was submitted by Representative Taylor Harper, Chairman, House Committee on Ways and Means, and Senator Fred Horn, Chairman, Senate Committee on Finance and Taxation, and the report was ordered filed.

MOTION TO ADJOURN LOST

The motion offered by Representative Rich that the House adjourn until 10:00 o'clock a.m., Thursday, May 9, 1991, was lost.

Yeas 18; Nays 63.

Yea:

Representatives Anderson, Barnes, Black (L), Cagle, Clay, Grayson, Hall, Hamilton, Haney, Hogan, Holley, McDaniel, McKee, Rich, Smith (R), Turner, Walker and Williams.

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Nay:

Mr. Speaker, Beasley, Biddle, Black (M), Bowling, Bryant, Bugg, Burke, Buskey (JL), Butler, Carns, Carothers, Carter, Crow, Cullins, Curry, Dolbare, Drake, Escott-Russell, Ford, Freeman, Fuller, Gaines, Gaston, Gullatt, Hammett, Harper, Harvey, Hawkins, Haynes, Holmes, Hooper, Johnson, Kennedy, Knight, Kvalheim, Layson, Mathis, McClain, McMillan, Melton, Mikell, Millican, Morrow, Morton, Newman, Newton (C), Newton (D), Payne, Penry, Petelos, Poole, Richardson, Rockhold, Rogers (F), Rogers (J), Sanderson, Spratt, Thomas, Venable, Warren, Willis and Zoghby.

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H. 366 RESUMED

AMENDMENT ADOPTED

The question was then on the adoption of the amendment #7 offered by Representative Clay to the bill, H. 366, as amended, and the amendment #7 was adopted.

Yeas 55; Nays 19.

Yea:

Representatives Biddle, Black (L), Bowling, Bryant, Bugg, Buskey (JE), Butler, Cagle, Carter, Clay, Cosby, Crow, Cullins, Curry, Dolbare, Drake, Escott-Russell, Ford, Gaines, Gaston, Grayson, Gullatt, Hall, Hamilton, Haney, Hill, Hogan, Holley, Holmes, Hooper, Johnson, Kennedy, Knight, Kvalheim, Layson, McKee, McMillan, Mikell, Morton, Newman, Newton (C), Payne, Penry, Powell, Rich, Richardson, Rockhold, Sanderson, Smith (C), Smith (R), Turner, Walker, Warren, Willis and Zoghby.

-55

Nay:

Mr. Speaker, Anderson, Barnes, Beasley, Burke, Buskey (JL), Campbell, Carns, Hammett, Harvey, Hawkins, Higginbotham, Mathis, McClain, Millican, Morrow, Rogers (F), Rogers (J) and Spratt.

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And the bill:

H. 366. To amend Chapter 65 of Title 11 of the Code of Alabama 1975, which relates to horse racing and pari-mutuel wagering thereon in Class 1 municipalities, for the following purposes: to make certain legislative findings concerning the experience of the state's only Class 1 municipality with horse racing and pari-mutuel wagering thereon and the economic desirability of authorizing greyhound racing and pari-mutuel wagering thereon in a Class 1 municipality (now defined by statute to be a city with a population of 300,000 inhabitants or more as certified by the 1970 decennial census); to define the particular terms to be used in said Chapter 65 as amended by this act; to authorize a Class 1 municipality (the "sponsoring municipality") to incorporate a racing commission with power to license and regulate horse racing and pari-mutuel wagering thereon or greyhound racing and pari-mutuel wagering thereon or both; to provide that a racing commission incorporated pursuant to said Chapter 65 will be subject to the jurisdiction of the state ethics commission; to define a host county for a racing commission as the county in which a majority of the residents of the sponsoring municipality reside and to provide that a racing commission incorporated for a sponsoring municipality will have power to license and regulate racing and wagering activities only in the part of such sponsoring municipality that is located in the host county; to provide for elections in the host county to authorize the incorporation of a racing commission and to determine the powers thereof; to

amend said Chapter 65 concerning the appointment of certain members of a racing commission and the appointment of deputy members by certain members; to provide alternative arrangements for the appointment of the treasurer of a commission; to amend said Chapter 65 concerning the powers and duties of a racing commission and to impose certain limitations on such powers and duties respecting the confidentiality of information pertaining to a licensed operator and the rights of such operator to conduct its business under the supervision of the commission; to provide conditions relating to the award and use of licenses for horse racing, greyhound racing and pari-mutuel wagering thereon; to authorize retroactively and ratify the action of an existing racing commission in entering into a contract to grant a prospective licensee a license for greyhound racing and pari-mutuel wagering thereon prior to the legislative enactment of the commission's authority to grant such license; to modify the provisions of said Chapter 65 respecting a license to own or use a horse racing facility; to modify the application and review procedure for granting an operator's license to reflect the additional power and duty of a commission to license and regulate greyhound racing and pari-mutuel wagering thereon; to modify the terms of an operator's license concerning its periodic review and revocation, the allowance of successive three year renewal terms after the initial term of 20 years, and the scheduling and conducting of licensed activities; to modify the ownership requirements applicable to holders of horse racing facility licenses and holders of operator's licenses to conduct horse racing or greyhound racing; to modify the procedure of a commission for reviewing and granting permits for persons to work at a racing facility; to provide for judges for greyhound racing and to modify the appointment procedure for stewards for horse racing; to authorize and provide rules for the conduct of pari-mutuel wagering on greyhound racing events; to specify the minimum proportionate amounts of the deposits to pari-mutuel pools for greyhound racing that are to be distributed to the holders of winning pari-mutuel tickets; to provide for the payment of license fees for pari-mutuel wagering on greyhound racing by each licensed operator to the racing commission licensing such operator and to specify the methods for determining the amounts of such fees and the schedule on which such fees shall be payable; to provide for a greyhound racing operator to hold commission racing days in each calendar year with the profits therefrom to go to the commission or charitable organizations designated by the commission; to provide that horse racing or greyhound racing events conducted outside the sponsoring municipality may be televised to a racing facility under the jurisdiction of a commission and made the subject of pari-mutuel wagering for which the pari-mutuel pools may include both bettors placing their bets at the racing facility under the jurisdiction of a commission and bettors placing their bets at other locations in the state or in other states; to provide that horse racing or greyhound racing events conducted at a racing facility under the jurisdiction of a commission may be televised to other locations in the state or in other states and made the subject of pari-mutuel wagering for which the pari-mutuel pools may include both bettors placing their bets at the racing facility under the jurisdiction of a commission and bettors placing their bets at other locations to which such racing events are televised; to modify the purposes for which the net revenues of a racing commission remaining after the payment of its expenses are to be applied and to provide for the disbursement of such net revenues for such purposes; to modify the prohibitions of said Chapter 65 against certain activities so as to make such prohibitions applicable to greyhound racing and pari-mutuel wagering thereon; to modify the penalties for certain prohibited activities concerning racing

7th Day

and pari-mutuel wagering; in the event that a state racing commission shall be established at any time, to provide in such event that any racing commission created under said Chapter 65 and its licensees for both horse racing and greyhound racing shall be exempt from the jurisdiction of such state racing commission and from all laws providing for or relating to such state racing commission; to provide that the provisions of said Chapter 65 as modified by the act shall be severable; and to provide for such other matters as are necessary to authorize, regulate, license, administer and supervise both horse racing and pari-mutuel wagering thereon and greyhound racing and pari-mutuel wagering thereon in Class 1 municipalities.

as amended, was read a third time at length and passed, and ordered engrossed.

Yeas 52; Nays 26.

Yea:

Mr. Speaker, Anderson, Barnes, Biddle, Black (M), Bowling, Bryant, Bugg, Burke, Buskey (JL), Cagle, Campbell, Carns, Carter, Cosby, Cullins, Curry, Escott-Russell, Ford, Gaston, Hall, Hammett, Harper, Harvey, Hawkins, Higginbotham, Holmes, Hooper, Kennedy, Knight, Kvalheim, Mathis, McClain, McDowell, Melton, Millican, Morrow, Morton, Newman, Newton (D), Penry, Petelos, Powell, Richardson, Rockhold, Rogers (F), Rogers (J), Sanderson, Spratt, Thomas, Turner and Zoghby.

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Nay:

Representatives Beasley, Black (L), Clay, Crow, Dolbare, Drake, Gaines, Grayson, Hamilton, Haney, Hill, Hogan, Holley, Johnson, Layson, McKee, McMillan, Newton (C), Payne, Poole, Rich, Smith (C), Smith (R), Walker, Warren and Willis.

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RESOLUTION

The following resolution was introduced:

By Representatives Morrow, Anderson, Barnes, Beasley, Biddle, Black (L), Black (M), Blakeney, Bowling, Box, Bryant, Bugg, Burke, Buskey (JE), Buskey (JL), Butler, Cagle, Campbell, Carns, Carothers, Carter, Clark (J), Clark (W), Clay, Cosby, Crow, Cullins, Curry, Dolbare, Drake, Escott-Russell, Flowers, Ford, Freeman, Fuller, Gaines, Gaston, Goodwin, Grayson, Gullatt, Hall, Hamilton, Hammett, Haney, Harper, Harvey, Hawkins, Haynes, Higginbotham, Hill, Hogan, Holladay, Holley, Holmes, Hooper, Johnson, Kennedy, Knight, Kvalheim, Laird, Layson, Letson, Lindsey, Mathis, McClain, McDaniel, McDowell, McKee, McMillan, Melton, Mikell, Millican, Morton, Newman, Newton (C), Newton (D), Parker (P), Parker (T), Payne, Penry, Perdue, Petelos, Poole, Powell, Rich, Richardson, Rockhold,

Rogers (F), Rogers (J), Sanderford, Sanderson, Smith (C), Smith (R), Spratt, Starkey, Thomas, Turner, Turnham, Venable, Walker, Warren, White, Williams, Willis and Zoghby:

H.J.R. 138. MOURNING THE DEATH OF ROY LEE MULLINS OF RUSSELLVILLE, ALABAMA.

WHEREAS, a source of deep and abiding sorrow to the Legislature, the citizens of Alabama and Mississippi, and the nation is the lamentable and untimely death of Roy Lee "Chucky" Mullins of Russellville, Alabama, on May 6, 1991, at the age of just 21 years; and

WHEREAS, a former football star at Russellville High School and defensive back at the University of Mississippi, Chucky Mullins was paralyzed from the neck down, following injuries suffered in the Ole Miss-Vanderbilt game on October 28, 1989; and

WHEREAS, following 114 days in intensive care, further long-term hospitalization, and rehabilitation therapy in Birmingham, Chucky Mullins had returned to the University of Mississippi when complications from his injuries led to his death, thereby ending his resolve to complete his education and to pursue a career in coaching; and

WHEREAS, Chucky Mullins was indeed an outstanding athlete and a young man of great strength, courage and determination who was an inspiration to all those whose lives he touched; and

WHEREAS, despite many personal adversities over the years, Chucky Mullins' outlook on life remained positive and his optimism, even in the face of affliction, was absorbed by those around him; and

WHEREAS, Roy Lee "Chucky" Mullins was a very special young man, and his death has left a deep void in the life of the community, and in the hearts of all those privileged to his friendship, love and sincere concern for their happiness and well-being; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we are grievously saddened by the death of Roy Lee "Chucky" Mullins of Russellville, Alabama, and extend deepest sympathy to his loving guardians, Carver and Karen Phillips; to their children, Lamar and Keshia; and to his friends and classmates at Russellville High School and the University of Mississippi, whose sorrow we share and, for whom, copies of this resolution shall be provided.

On motion of Representative Morrow, the rules were suspended and the resolution, H.J.R. 138, was adopted.

MOTION TO ADJOURN LOST

The motion offered by Representative Crow that the House adjourn until 10:00 o'clock a.m., Thursday, May 9, 1991, was lost.

REGULAR SESSION
7th Day

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Yeas 34; Nays 36.

Yea:

Representatives Barnes, Beasley, Black (L), Burke, Buskey (JE), Buskey (JL), Butler, Cagle, Carns, Clay, Cosby, Crow, Cullins, Grayson, Hammett, Haney, Harvey, Hogan, Holmes, Mathis, McClain, McDaniel, McKee, McMillan, Morrow, Morton, Newman, Parker (T), Powell, Smith (R), Spratt, Thomas, Walker and Willis.

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Nay:

Mr. Speaker, Anderson, Black (M), Bowling, Bryant, Curry, Dolbare, Escott-Russell, Freeman, Gaines, Gaston, Gullatt, Hall, Higginbotham, Hill, Holladay, Holley, Hooper, Johnson, Knight, Kvalheim, Layson, Melton, Mikell, Newton (C), Payne, Penry, Petelos, Rich, Rockhold, Sanderson, Smith (C), Turner, Warren, Williams and Zoghby.

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SPECIAL ORDER CALENDAR RESUMED

BUDGET ISOLATION RESOLUTION

On motion of Representative Hooper, the Budget Isolation Resolution relating to the bill, H. 367, was adopted.

Yeas 79; Nays 0.

Yea:

Mr. Speaker, Anderson, Barnes, Beasley, Black (L), Black (M), Bryant, Bugg, Burke, Buskey (JE), Butler, Cagle, Carns, Carothers, Carter, Clay, Cosby, Crow, Cullins, Curry, Escott-Russell, Ford, Freeman, Gaines, Gaston, Grayson, Gullatt, Hall, Hamilton, Hammett, Haney, Harper, Harvey, Hawkins, Higginbotham, Hill, Hogan, Holladay, Holley, Hooper, Johnson, Kennedy, Knight, Kvalheim, Layson, Mathis, McClain, McDaniel, McKee, McMillan, Melton, Mikell, Millican, Morrow, Morton, Newman, Newton (C), Parker (P), Parker (T), Payne, Penry, Petelos, Poole, Powell, Rich, Richardson, Rockhold, Rogers (F), Sanderford, Sanderson, Smith (C), Smith (R), Spratt, Thomas, Turner, Walker, Warren, Willis and Zoghby.

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And the bill:

H. 367. To authorize the State Industrial Development Authority to sell and issue, from time to time, up to \$100,000,000 in principal amount of its bonds in addition to those heretofore authorized to be issued by it, provided not more than

\$10,000,000 in aggregate amount shall be issued in any two-year period and not more than \$40,000,000 in aggregate principal amount shall be outstanding at any one time; to expand certain powers and duties of the Authority, including the power to make grants from the proceeds of the said additional bonds to certain grantees, subject to certain limitations, for the purpose of paying costs of preparation of sites for use by certain enterprises; to provide that the Authority may issue and sell such bonds for the purpose of making the said grants; to provide for the execution, form and terms of such bonds and for the terms of sale thereof; to provide that such bonds and the income therefrom shall be exempt from taxation, that such bonds may be used to secure deposits of funds of the state and its political subdivisions, instrumentalities and agencies, shall be legal for investment of fiduciary funds and funds of the Teachers' Retirement System of Alabama, the Employees' Retirement System of Alabama, and the State Insurance Fund, and shall not create an obligation or debt of the state; to provide for the deposit, investment and disposition of the proceeds of the sale of the bonds of the Authority; to make an appropriation and pledge of funds from the special tax levied by Sections 40-25-2 and 40-25-23, Code of Alabama 1975, to the extent necessary to pay the principal of and interest on bonds of the Authority; to authorize the Authority to pledge the funds so appropriated for the payment of the principal of and interest on its bonds; to provide that such principal and interest shall be payable solely from the funds so appropriated; and to provide that the state treasurer shall be the custodian of the funds of the Authority.

was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 83; Nays 0.

Yea:

Mr. Speaker, Anderson, Barnes, Beasley, Black (L), Black (M), Bryant, Bugg, Burke, Buskey (JE), Buskey (JL), Butler, Cagle, Campbell, Carns, Carothers, Carter, Clay, Cosby, Crow, Cullins, Curry, Dolbare, Escott-Russell, Ford, Freeman, Gaines, Gaston, Grayson, Gullatt, Hall, Hamilton, Hammett, Haney, Harper, Harvey, Hawkins, Higginbotham, Hill, Hogan, Holladay, Holley, Hooper, Johnson, Kennedy, Knight, Kvalheim, Layson, Mathis, McClain, McDaniel, McKee, McMillan, Melton, Mikell, Millican, Morrow, Morton, Newman, Newton (C), Parker (P), Parker (T), Payne, Penry, Petelos, Poole, Powell, Rich, Richardson, Rockhold, Rogers (F), Sanderford, Sanderson, Smith (C), Smith (R), Spratt, Thomas, Turner, Walker, Warren, Williams, Willis and Zoghby.

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BUDGET ISOLATION RESOLUTION

On motion of Representative Dolbare, the Budget Isolation Resolution relating to the bill, H. 466, was adopted.

Yeas 82; Nays 0.

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Yea:

Mr. Speaker, Anderson, Beasley, Biddle, Black (L), Black (M), Blakeney, Bryant, Bugg, Burke, Buskey (JE), Buskey (JL), Butler, Cagle, Campbell, Carns, Carter, Clay, Cosby, Crow, Cullins, Curry, Dolbare, Escott-Russell, Ford, Freeman, Gaines, Gaston, Grayson, Gullatt, Hamilton, Haney, Harper, Harvey, Hawkins, Higginbotham, Hill, Hogan, Holladay, Holley, Holmes, Hooper, Johnson, Kennedy, Knight, Kvalheim, Layson, Lindsey, Mathis, McClain, McDaniel, McKee, McMillan, Melton, Mikell, Millican, Morrow, Morton, Newman, Newton (C), Parker (P), Parker (T), Payne, Penry, Poole, Powell, Rich, Richardson, Rockhold, Rogers (F), Rogers (J), Sanderford, Sanderson, Smith (C), Smith (R), Spratt, Thomas, Turner, Walker, Warren, Willis and Zoghby.

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And the bill:

H. 466. To amend Sections 24-7-2 and 24-7-3 of the Code of Alabama 1975, which provide for the Mowa Choctaw Housing Authority, so as to provide further for the appointment of members of the Authority and to provide further for the duties and powers of the Authority.

was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 83; Nays 0.

Yea:

Mr. Speaker, Anderson, Beasley, Biddle, Black (L), Black (M), Bryant, Bugg, Burke, Buskey (JE), Buskey (JL), Butler, Cagle, Carns, Carothers, Carter, Clay, Cosby, Crow, Cullins, Curry, Dolbare, Escott-Russell, Ford, Freeman, Gaines, Gaston, Grayson, Gullatt, Hall, Hamilton, Haney, Harper, Harvey, Hawkins, Higginbotham, Hill, Hogan, Holladay, Holley, Holmes, Hooper, Johnson, Kennedy, Knight, Kvalheim, Layson, Lindsey, Mathis, McClain, McDaniel, McDowell, McKee, McMillan, Melton, Mikell, Millican, Morrow, Morton, Newman, Newton (C), Parker (P), Parker (T), Payne, Penry, Poole, Powell, Rich, Richardson, Rockhold, Rogers (F), Rogers (J), Sanderford, Sanderson, Smith (C), Smith (R), Spratt, Thomas, Turner, Walker, Warren, Willis and Zoghby.

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BUDGET ISOLATION RESOLUTION

On motion of Representative Carter, the Budget Isolation Resolution relating to the bill, H. 11, was adopted.

Yeas 76; Nays 0.

Yea:

Mr. Speaker, Anderson, Barnes, Beasley, Biddle, Black (L), Black (M), Blakeney, Bryant, Bugg, Burke, Buskey (JE), Buskey (JL), Butler, Cagle, Campbell, Carns, Carothers, Carter, Cosby, Crow, Cullins, Dolbare, Escott-Russell, Freeman, Gaines, Gaston, Gullatt, Hall, Hamilton, Haney, Harvey, Hawkins, Higginbotham, Hill, Hogan, Holladay, Holley, Holmes, Hooper, Johnson, Knight, Kvalheim, Layson, Lindsey, Mathis, McClain, McDowell, McKee, McMillan, Melton, Mikell, Millican, Morrow, Morton, Newman, Parker (P), Payne, Penry, Poole, Powell, Rich, Richardson, Rockhold, Rogers (F), Rogers (J), Sanderford, Sanderson, Smith (C), Smith (R), Spratt, Thomas, Walker, Warren, Willis and Zoghby.

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And the bill:

H. 11. Relating to Athens State College; to repeal Act No. 81-153, S. 392, Regular Session, 1981 (Acts 1981, p. 176), which consolidated the administration of Athens State College and John C. Calhoun Community College; to re-establish two autonomous administrations; and to provide for the appointment of presidents of the colleges, the jurisdictions and operations.

was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 73; Nays 1.

Yea:

Mr. Speaker, Anderson, Barnes, Beasley, Biddle, Black (L), Black (M), Blakeney, Bryant, Bugg, Burke, Buskey (JE), Buskey (JL), Butler, Cagle, Campbell, Carns, Carothers, Carter, Cosby, Crow, Cullins, Dolbare, Escott-Russell, Freeman, Gaines, Gaston, Hall, Hamilton, Hammett, Haney, Harvey, Hawkins, Higginbotham, Hogan, Holladay, Holley, Holmes, Hooper, Johnson, Kvalheim, Layson, Lindsey, Mathis, McClain, McDaniel, McDowell, McKee, McMillan, Melton, Mikell, Millican, Morrow, Morton, Newman, Parker (P), Payne, Penry, Poole, Rich, Richardson, Rockhold, Rogers (F), Rogers (J), Sanderford, Smith (C), Smith (R), Spratt, Thomas, Walker, Warren, Willis and Zoghby.

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Nay:

Representative Newton (D).

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BUDGET ISOLATION RESOLUTION OFFERED

Representative Carothers offered the motion to adopt the Budget Isolation Resolution relating to the bill, H. 289.

CERTIFICATE OF CLERK

To the House of Representatives:

I hereby certify that the House Joint Resolution mentioned was delivered to the Executive Department on the date and hour named and that I hold the receipt of the Executive Department for same.

Delivered to the Governor at 3:50 P.M. on May 7, 1991.

H.J.R. 7 (With Executive Amendment)

GREG PAPPAS
Assistant Clerk

ADJOURNMENT

On motion of Representative Newton (D) and pursuant to the resolution, H.R. 126, heretofore adopted, the House adjourned until 10:00 o'clock a.m., Thursday, May 9, 1991.

EIGHTH DAY

House of Representatives
Montgomery, Alabama
Thursday, May 9, 1991

The House met pursuant to adjournment.

PRAYER

The session was opened with prayer by Reverend Jimmy Fulton, First Baptist Church, Citronelle, Alabama.

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Tiffany Thompson, Robert E. Lee High School, Montgomery, Alabama.

ROLL CALL

On a call of the roll of the House, the following members answered to their names:

Mr. Speaker, Anderson, Barnes, Beasley, Biddle, Black (L), Black (M), Blakeney, Bowling, Box, Bryant, Bugg, Burke, Buskey (JE), Buskey (JL), Butler, Cagle, Campbell, Carns, Carothers, Carter, Clark (W), Clay, Cosby, Crow, Cullins, Curry, Dolbare, Drake, Escott-Russell, Flowers, Ford, Freeman, Fuller, Gaines, Gaston, Goodwin, Grayson, Gullatt, Hall, Hamilton, Hammett, Haney, Harper, Harvey, Hawkins, Haynes, Higginbotham, Hill, Hogan, Holladay, Holley,

Holmes, Hooper, Johnson, Kennedy, Knight, Kvalheim, Laird, Layson, Letson, Lindsey, Mathis, McClain, McDaniel, McDowell, McKee, McMillan, Melton, Mikell, Millican, Morrow, Morton, Newman, Newton (C), Newton (D), Parker (P), Parker (T), Payne, Penry, Perdue, Petelos, Powell, Rich, Richardson, Rockhold, Rogers (F), Rogers (J), Sanderford, Sanderson, Smith (C), Smith (R), Spratt, Starkey, Thomas, Turner, Turnham, Venable, Walker, Warren, White, Williams, Willis and Zoghby.

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A quorum was present.

REPORT OF STANDING COMMITTEE ON RULES

House of Representatives:

Your Standing Committee on Rules begs leave to report that it has carefully examined the Journal of the House for the seventh legislative day and finds the same to be correct.

TOMMY CARTER
Chairman

On motion of Representative Carter, the reading at length of the Journal of the House for the seventh legislative day was dispensed with, the Report of the Standing Committee on Rules was concurred in and adopted and the Journal for the seventh legislative day was approved.

LEAVE OF ABSENCE

At the request of Representative Melton, leave of absence was granted for Representative Poole.

REPORT OF THE STANDING COMMITTEE ON RULES ON ENROLLED AND ENGROSSED BILLS

Mr. Speaker:

Your Standing Committee on Rules begs leave to report that said committee, in session, has compared the following engrossed bill with the original bill and finds same correctly engrossed, to-wit:

H. 366. To amend Chapter 65 of Title 11 of the Code of Alabama 1975, which relates to horse racing and pari-mutuel wagering thereon in Class 1 municipalities, for the following purposes: to make certain legislative findings concerning the experience of the state's only Class 1 municipality with horse racing and pari-mutuel wagering thereon and the economic desirability of

authorizing greyhound racing and pari-mutuel wagering thereon in a Class 1 municipality (now defined by statute to be a city with a population of 300,000 inhabitants or more as certified by the 1970 decennial census); to define the particular terms to be used in said Chapter 65 as amended by this act; to authorize a Class 1 municipality (the "sponsoring municipality") to incorporate a racing commission with power to license and regulate horse racing and pari-mutuel wagering thereon or greyhound racing and pari-mutuel wagering thereon or both; to provide that a racing commission incorporated pursuant to said Chapter 65 will be subject to the jurisdiction of the state ethics commission; to define a host county for a racing commission as the county in which a majority of the residents of the sponsoring municipality reside and to provide that a racing commission incorporated for a sponsoring municipality will have power to license and regulate racing and wagering activities only in the part of such sponsoring municipality that is located in the host county; to provide for elections in the host county to authorize the incorporation of a racing commission and to determine the powers thereof; to amend said Chapter 65 concerning the appointment of certain members of a racing commission and the appointment of deputy members by certain members; to provide alternative arrangements for the appointment of the treasurer of a commission; to amend said Chapter 65 concerning the powers and duties of a racing commission and to impose certain limitations on such powers and duties respecting the confidentiality of information pertaining to a licensed operator and the rights of such operator to conduct its business under the supervision of the commission; to provide conditions relating to the award and use of licenses for horse racing, greyhound racing and pari-mutuel wagering thereon; to authorize retroactively and ratify the action of an existing racing commission in entering into a contract to grant a prospective licensee a license for greyhound racing and pari-mutuel wagering thereon prior to the legislative enactment of the commission's authority to grant such license; to modify the provisions of said Chapter 65 respecting a license to own or use a horse racing facility; to modify the application and review procedure for granting an operator's license to reflect the additional power and duty of a commission to license and regulate greyhound racing and pari-mutuel wagering thereon; to modify the terms of an operator's license concerning its periodic review and revocation, the allowance of successive three year renewal terms after the initial term of 20 years, and the scheduling and conducting of licensed activities; to modify the ownership requirements applicable to holders of horse racing facility licenses and holders of operator's licenses to conduct horse racing or greyhound racing; to modify the procedure of a commission for reviewing and granting permits for persons to work at a racing facility; to provide for judges for greyhound racing and to modify the appointment procedure for stewards for horse racing; to authorize and provide rules for the conduct of pari-mutuel wagering on greyhound racing events; to specify the minimum proportionate amounts of the deposits to pari-mutuel pools for greyhound racing that are to be distributed to the holders of winning pari-mutuel tickets; to provide for the payment of license fees for pari-mutuel wagering on greyhound racing by each licensed operator to the racing commission licensing such operator and to specify the methods for determining the amounts of such fees and the schedule on which such fees shall be payable; to provide for a greyhound racing operator to hold commission racing days in each calendar year with the profits therefrom to go to the commission or charitable organizations designated by the commission; to provide that horse racing or greyhound racing events conducted outside the sponsoring municipality may be televised to a racing facility

under the jurisdiction of a commission and made the subject of pari-mutuel wagering for which the pari-mutuel pools may include both bettors placing their bets at the racing facility under the jurisdiction of a commission and bettors placing their bets at other locations in the state or in other states; to provide that horse racing or greyhound racing events conducted at a racing facility under the jurisdiction of a commission may be televised to other locations in the state or in other states and made the subject of pari-mutuel wagering for which the pari-mutuel pools may include both bettors placing their bets at the racing facility under the jurisdiction of a commission and bettors placing their bets at other locations to which such racing events are televised; to modify the purposes for which the net revenues of a racing commission remaining after the payment of its expenses are to be applied and to provide for the disbursement of such net revenues for such purposes; to modify the prohibitions of said Chapter 65 against certain activities so as to make such prohibitions applicable to greyhound racing and pari-mutuel wagering thereon; to modify the penalties for certain prohibited activities concerning racing and pari-mutuel wagering; in the event that a state racing commission shall be established at any time, to provide in such event that any racing commission created under said Chapter 65 and its licensees for both horse racing and greyhound racing shall be exempt from the jurisdiction of such state racing commission and from all laws providing for or relating to such state racing commission; to provide that the provisions of said Chapter 65 as modified by the act shall be severable; and to provide for such other matters as are necessary to authorize, regulate, license, administer and supervise both horse racing and pari-mutuel wagering thereon and greyhound racing and pari-mutuel wagering thereon in Class 1 municipalities.

TOMMY CARTER
Chairman

And the bill, H. 366, as engrossed, was ordered sent to the Senate.

RESOLUTIONS

The following resolutions were introduced:

By Representative Carter:

H.J.R. 139. RELATIVE TO MEETING DAYS

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That when the two houses adjourn today, Thursday, May 9, 1991, they adjourn to meet again on Tuesday, May 14, 1991.

On motion of Representative Campbell, the rules were suspended and the resolution, H.J.R. 139, was adopted.

Also:

By Representative Campbell:

H.R. 140. RELATIVE TO MEETING DAYS

BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES, That when we adjourn today, Thursday, May 9, 1991, we adjourn to meet again on Tuesday, May 14, 1991, at 1:00 p.m.

On motion of Representative Campbell, the rules were suspended and the resolution, H.R. 140, was adopted.

BILLS ON SECOND READING

Representative Harper, Chairperson of the Standing Committee on Ways and Means, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, with amendments, and it was read a second time and placed on the Calendar, to-wit:

H. 550. (With Amendments): Relating to Alabama Economic and Developmental Highways and the financing of an Alabama Economic and Developmental Highway System; to name this Act; to provide definition of certain words and terms contained in this bill; to create a fund in the State Treasury which shall be called the Alabama Economic and Developmental Highway Trust Fund; to describe the Alabama Economic and Developmental Highway System and its purpose; to describe the sources of revenue for this fund; to provide the distribution and appropriation of revenues for the Alabama Economic and Developmental Highway System, County Roads, Urban Projects, and to pay Debt Service on outstanding Industrial Access Road and Bridge Corporation Bonds; to provide that if Alabama Economic and Developmental Highway System projects are constructed with Federal and/or Public Road and Bridge Funds, projects not on the Alabama Economic and Developmental Highway System may be constructed using Alabama Economic and Developmental Highway System Funds; to provide that Alabama Economic and Developmental Highway System funds may be used to supplement toll projects; to provide that Alabama Economic and Developmental Highway System Funds may be used to anticipate Federal Funds on Advance Construction Projects; to provide that appropriations for the Alabama Economic and Developmental Highway System Projects, County Roads, and Urban Projects are Capital Outlay appropriations; to provide a deficit elimination procedure; to describe the purpose for which the funds can be used; to give county commissions in the state authority to pass resolutions to levy a gasoline tax with a three year authorization limit; to describe fund reversion procedures; to give the Highway Department authority to administer this fund; to give the Highway Director authority to promulgate rules and regulations concerning the operation of this fund; to provide for a quarterly report to the Joint Highway Committee; to give the Highway Department responsibility for developing schedules of improvements to be funded; to provide for allocation and appropriation of funds allocated for the Alabama Economic and Developmental Highway System when all Alabama Economic and Developmental Highway System Projects are 100% funded; to provide for fund matching requirements for county and urban projects;

to provide for fund obligation limitations; to provide for review and approval procedures by the Highway Director for county and urban projects; to provide that MPO's will have authority to administer cities Transportation Improvement Plan to be approved by the Highway Director; to provide that the Highway Director will prescribe project design criteria for county and urban projects; to provide for contracting procedures; to provide for the effective date of this Act.

Representative Harper, Chairperson of the Standing Committee on Ways and Means, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, and it was read a second time and placed on the Calendar, to-wit:

H. 363. To create a new circuit judgeship in the tenth judicial circuit, Bessemer cut-off division.

Representative Harper, Chairperson of the Standing Committee on Ways and Means, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, with amendment, and they were severally read a second time and placed on the Calendar, to-wit:

H. 551. (With Amendment): To amend Section 8-17-87 of the Code of Alabama, 1975, as amended, by increasing the inspection fee for gasoline by \$.075 per gallon and by increasing the inspection fee for diesel fuel, except diesel fuel used for certain special purposes by \$.075 per gallon and to amend Section 8-17-91 of the Code of Alabama, 1975, as amended, by providing that the proceeds from the increase in the gasoline and diesel fuel inspection fee shall be paid into the State Treasury and deposited into the Alabama Economic and Developmental Highway Trust Fund of the State Highway Department.

H. 552. (With Amendment): To levy a supplemental annual license tax or registration fee for each private passenger automobile, using the public highways of this state, in addition to the fees levied in Section 40-12-242 and 40-12-273(a), Code of Alabama, 1975; and to levy a supplemental annual license tax or registration fee on each truck or truck tractor, using the public highways of this state, in addition to the fees levied in Section 40-12-248 of the Code of Alabama, 1975, as amended, and Section 40-12-273(b), Code of Alabama, 1975; to provide that the proceeds from these supplemental fees be deposited in the State Treasury to the credit of the Alabama Economic and Developmental Highway Trust Fund of the State Highway Department.

H. 553. (With Amendment): To amend Section 32-8-6 of the Code of Alabama, 1975, as amended, by imposing an additional fee of \$17.00 for issuing and processing documents related to the Alabama Uniform Certificate of Title and Anti-Theft Act; by increasing the designated agent's fee from \$1.50 to \$2.50 and to provide that the additional fee of \$17.00 shall be deposited into the State Treasury to the credit of the Alabama Economic and Developmental Highway Trust Fund of the State Highway Department; and to amend Section 32-8-7 of the Code of Alabama, 1975, as amended, to increase the designated agent commission fee from \$1.50 to \$2.50.

Representative Harper, Chairperson of the Standing Committee on Ways and Means, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, and they were severally read a second time and placed on the Calendar, to-wit:

H. 555. To amend Section 23-6-8 of the Code of Alabama, 1975, as amended, by increasing from \$25,000,000 to \$50,000,000 the amount of bonds the Industrial Access Road and Bridge Corporation can have outstanding at any one time.

H. 556. Relating to the purchase of equipment for traffic law enforcement and the appropriation of funds therefore; to appropriate annually out of the Public Road and Bridge Fund of the State Highway Department \$3,500,000 to the Department of Public Safety for the purchase of equipment for traffic law enforcement; to provide for the transfer of funds quarterly from the Public Road and Bridge Fund to the Department of Public Safety.

H. 353. To provide an 18.8% increase in judicial retirement benefits beginning in October of 1991, for those retired district judges who assumed the office of district judge prior to July 30, 1979, and who retired before October 1, 1991; to provide that the board of control of the employees' retirement system shall compute the costs required and provide for payment of such amounts from the judicial retirement fund; to provide for an appropriation from the state general fund to cover the cost of the increase in benefits; to provide that this act shall supersede any inconsistent and conflicting laws; to provide that the increase shall not increase any local supplement or retirement benefits for retired district judges unless approved by the county commission affected; and to provide for an effective date.

H. 399. To amend section 2-27-53 which provides for licensing and examination of custom applicators of pesticides by raising license fees from \$50 up to \$100 and for each aircraft from \$10 up to \$20, with the maximum allowed from \$100 up to \$200 and also raising examination fees from \$10 up to \$30.

H. 401. To amend Section 2-27-9 which provides for registration of pesticides by raising the annual registration fee from \$50 up to \$100.

H. 430. To exempt the following Alabama Child Advocacy Centers from the payment of all state, county and municipal sales and use taxes: the Prescott House, Birmingham; National Children's Advocacy Center, Inc., Huntsville; The Child Advocacy Center, Inc., Mobile; Montgomery Child Protection and Advocacy Center, Inc.; Tuscaloosa Children's Center, Inc.; Bessemer Cut-Off Advocacy Center, Inc.; Blount County Children's Advocacy Center; the Care House, Baldwin County; and Gadsden-Etowah County Children's Advocacy Center.

H. 431. To amend Title 28 of the Code of Alabama, 1975 and to propose changes in the Alabama alcoholic beverage control boards administration, powers and regulations pertaining to mark-up procedures, receipt and disposition of taxes, licensing procedures, and store location requirements. In addition, this bill repeals section 28-3-74 concerning distribution of net profits and sections 28-3-200 through 28-3-205 concerning the taxes on the sale of spirituous or vinous liquors.

H. 486. To amend Section 9-14-5, Code of Alabama 1975, relating to the repair and maintenance of certain roads and bridges, so as to place such duty upon the Highway Department and to further provide for such duties.

H. 25. To amend Section 36-21-70 of the Code of Alabama 1975, relating to the Peace Officers' Annuity and Benefit Fund so as to allow retirement upon completion of 25 years of qualified service, regardless of age, and to make the provisions of this act retroactive.

H. 23. To provide for registered nurses in the public schools.

H. 303. Prescribing a certain statute of limitations on certain audits used by the retirement systems of Alabama to determine certain service credit time to be used for qualifying a system member for retirement benefits.

H. 584. To amend section 37-2-41, section 37-4-23 and section 37-4-116 of the Code of Alabama 1975, relating to the inspection and supervision fees paid by transportation, utility, and radio utility companies, so as to provide further for such fees; and to provide for the future compensation of certain employees.

H. 185. To make a supplemental appropriation from the general fund of the state treasury, for the current fiscal year, to the U.S.S. Alabama Battleship Commission if the U.S.S. Lexington is acquired by the commission.

Representative Harper, Chairperson of the Standing Committee on Ways and Means, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, with substitute, and it was read a second time and placed on the Calendar, to-wit:

H. 324. (With Substitute): To amend Section 36-26-36.1 of the Code of Alabama 1975, relating to sick leave for state employees and teachers so as to provide further for the accumulation and use of such sick leave in determining years of creditable service in the employees' or teachers' retirement system of Alabama.

Representative Harper, Chairperson of the Standing Committee on Ways and Means, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, with amendment, and it was read a second time and placed on the Calendar, to-wit:

H. 379. (With Amendment): To exempt all Dixie Baseball/Softball leagues in the State of Alabama from the payment of all state, county and municipal sales and use taxes on purchases made for uniforms and equipment of the Dixie Baseball/Softball leagues in the State of Alabama.

Representative Higginbotham, Chairperson of the Standing Committee on Judiciary, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, with amendment, and they were severally read a second time and placed on the Calendar, to-wit:

H. 97. (With Amendment): To amend section 41-22-2, Code of Alabama 1975, as amended, so as to provide that the department of insurance of the state of Alabama is not exempted from the provisions of the Alabama Administration Procedure Act and provides the rule-making procedures, schedules and requirements for the department of insurance.

H. 372. (With Amendment): To provide a statutory basis for the recovery of unclaimed property from out-of-state holders when such holders did not originate the unclaimed property and are merely intermediaries, and to clarify that the last known address of the unclaimed property holder is unknown, and to provide that subsection (a) shall apply to all property held at the time of enactment, or at any time thereafter, regardless of when such property became or becomes presumptively abandoned.

H. 186. (With Amendment): To require notice of intended relocation as a condition of any custody or visitation order.

Representative Higginbotham, Chairperson of the Standing Committee on Judiciary, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, and they were severally read a second time and placed on the Calendar, to-wit:

H. 123. To amend Section 32-7-2, Code of Alabama 1975, relating to the Motor Vehicle Safety-Responsibility Act, so as to increase the proof of financial responsibility.

H. 124. To amend Section 32-7-8, Code of Alabama 1975, relating to the Motor Vehicle Safety-Responsibility Act, so as to change the time of suspension of driver's licenses from one year to two years and the elapsed time when such security was required from one year to two years.

H. 127. To repeal Section 32-7-39, Code of Alabama 1975, relating to the expenses of administering Motor Vehicle Safety-Responsibility Act.

H. 125. To amend Section 32-7-22, Code of Alabama 1975, relating to the Motor Vehicle Safety-Responsibility Act, so as to increase the motor vehicle liability policy from its present limits.

H. 126. To amend Section 32-7-27, Code of Alabama 1975, relating to the Motor Vehicle Safety-Responsibility Act, so as to increase the proof of financial responsibility from \$11,000.00 to \$50,000.00.

Representative Higginbotham, Chairperson of the Standing Committee on Judiciary, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, with amendment, and it was read a second time and placed on the Calendar, to-wit:

H. 168. (With Amendment): To amend section 13A-7-23.1, Code of Alabama 1975, relating to the offense of desecration of real or personal property within a cemetery, so as to increase the punishment from a Class A misdemeanor to a Class C felony.

Representative Carothers, Chairperson of the Standing Committee on Health, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, and it was read a second time and placed on the Calendar, to-wit:

H. 503. To amend Section 26-16-30 of the Code of Alabama 1975, relating to the children's trust fund so as to provide further for regulating the investment of trust fund money.

Representative Carothers, Chairperson of the Standing Committee on Health, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, with substitute, and it was read a second time and placed on the Calendar, to-wit:

H. 415. (With Substitute): To provide for the development of a comprehensive emergency medical services system in the state and to adopt rules necessary to carry out the provisions of this act; to establish a unified emergency medical services system throughout Alabama to prevent needless loss of human life, disability, and suffering; to provide improved mechanisms for the development and implementation of plans addressing medical control and accountability for prehospital care, physician responsibility for the management of patient care including the issuance of physician orders from designated associate and resource hospitals for performance of advanced medical procedures by prehospital personnel, patient treatment and transportation requirements, professional and technical training, manpower, emergency medical communications, access to care and dispatching, coordinated patient record keeping, evaluation, public information, and mutual aid; to establish a state emergency medical control committee and a state advisory committee to assist with drafting of rules; to establish the position of state EMS medical director; to repeal sections 22-18-1 through 22-18-7, Code of Alabama 1975; and to provide penalties for violation of this act.

Representative Carothers, Chairperson of the Standing Committee on Health, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, and it was read a second time and placed on the Calendar, to-wit:

H. 599. To require certain persons or entities to obtain a certification from the State Department of Insurance before conducting utilization reviews; to define certain terms; to establish certain applications, procedures and standards for administrative review; to provide for appeal of certain final decisions of the State Department of Insurance; to authorize the assessment of certain application and renewal fees; to authorize the adoption of regulations; to authorize the revocation of certificate under certain circumstances; to provide for certain criminal penalties for violations of this act; to provide for the resolution of certain disputes involving the medical necessity of claims to be resolved in a certain manner; and to require physician involvement in utilization review.

Representative Flowers, Chairperson of the Standing Committee on Insurance, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, with substitute, and it was read a second time and placed on the Calendar, to-wit:

H. 57. (With Substitute): To amend Section 27-8-10, Code of Alabama 1975 so as to reduce the waiting period for a person who has failed to pass two examinations for licensing as a life or disability insurance agent; to reduce said waiting period for a person being examined for licensing as a property and casualty agent pursuant to Section 27-7-10, Code of Alabama 1975; and to expressly repeal Section 27-7-16, Code of Alabama 1975.

Representative Flowers, Chairperson of the Standing Committee on Insurance, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, with substitute and amendment, and it was read a second time and placed on the Calendar, to-wit:

H. 329. (With Substitute) (With Amendment): To establish and provide for a Mandated Advisory Benefits Panel to review any proposed legislation that mandates health insurance coverage for specific health services, for specific diseases, or for certain providers of health services as part of individual or group health insurance policies or plans; to provide that legislative committees shall request reports from the Mandated Benefits Advisory Panel; and to provide certain guidelines to be used in evaluating the proposed legislation.

Representative Flowers, Chairperson of the Standing Committee on Insurance, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, with amendment, and it was read a second time and placed on the Calendar, to-wit:

H. 29. (With Amendment): To provide a means whereby any insurer organized under the laws of any other state may become a domestic insurer; to provide a means for any domestic insurer to transfer its domicile to another state; and to provide a means for the continuation of a certificate of authority and other approvals pertaining to any foreign insurer which transfers its corporate domicile to another state by merger or consolidation or any other lawful method.

Representative Flowers, Chairperson of the Standing Committee on Insurance, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, and it was read a second time and placed on the Calendar, to-wit:

H. 408. To amend Section 27-30-34 of the Code of Alabama 1975, relating to provision of domestic life and disability insurance pursuant to chapter 3 so as to authorize the calculation of reserve liabilities for all policies issued by mutual aid associations, to provide for the methodology used to calculate the reserve liabilities provided for in Section 27-36-7 of the Code of Alabama 1975, and to provide for limitations.

Representative Hooper, Chairperson of the Standing Committee on Commerce, Transportation and Utilities, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, with amendment, and they were severally read a second time and placed on the Calendar, to-wit:

S. 27. (With Amendment): To amend Section 33-4-38, Code of Alabama 1975, which provides for the levy, payment and disposition of ship pilot's license tax, so as to increase the amount thereof.

H. 406. (With Amendment): Relating to aeronautics and airport safety in this state; to provide for airport zoning and the issuance of permits by the state aeronautics department for structures exceeding federal obstruction standards located near air traffic; to state findings and declarations of the legislature; to define certain terms; to authorize political subdivisions to adopt interim and permanent airport zoning regulations; to provide that the more stringent standards of air safety prevail in a conflict of regulations; to provide for a procedure of notice and hearings by airport zoning commissions pursuant to adoption of airport zoning regulations; to require reasonableness of zoning requirements; to provide for permits and variances by local boards of adjustment; to provide for appeals by aggrieved persons or taxpayers of decisions of zoning boards, the state or political subdivisions regarding airport regulations; to provide for the administration and enforcement of such regulations; to provide for judicial review by aggrieved persons or taxpayers; to provide for the acquisition of air rights by purchase, grant or condemnation; and to provide penalties for violations of the act or regulations adopted pursuant to the act.

Representative Gullatt, Chairperson of the Standing Committee on Local Government, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, with amendment, and it was read a second time and placed on the Calendar, to-wit:

H. 484. (With Amendment): To provide that any class 5 municipality in the State of Alabama shall have authority to adopt an ordinance creating a housing code abatement board with authority, after notice to remedy or demolish is provided, to remove or demolish buildings and structures, parts of buildings and structures, party walls and foundations when the same are ultimately found by the governing body of such city, pursuant to its police power, to be unsafe to the extent of being a public nuisance from any cause; to provide for a hearing by the governing body if requested; to authorize that the cost of such demolition and removal shall constitute a special assessment against the lot or lots, parcel or parcels whereon the building or structure was located and that such assessment shall constitute a lien on said property; and to provide a method of collecting such assessments.

Representative Gullatt, Chairperson of the Standing Committee on Local Government, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, and it was read a second time and placed on the Calendar, to-wit:

H. 515. To amend Section 22-3-1 of the Code of Alabama 1975, relating to how county boards of health are constituted, so as to authorize the presiding officer of each county commission to appoint a county commissioner to serve as a member on said boards in lieu of the presiding officer.

Representative Gullatt, Chairperson of the Standing Committee on Local Government, reported that said Committee in session had acted on the following

bill and ordered same returned to the House with a favorable report, with amendments, and it was read a second time and placed on the Calendar, to-wit:

H. 476. (With Amendments): To amend Sections 40-3-7, 40-3-8, 40-3-10, 40-3-13, 40-3-16, and 40-3-19, Code of Alabama 1975, relating to county boards of equalization, so as to provide further for the compensation of members of the boards, to eliminate property inventories and annual reports, to provide further for meetings, to require notification in writing to certain taxpayers, to repeal Sections 40-3-9, 40-3-11, 40-3-12, 40-3-17 and 40-3-18, Code of Alabama 1975, which relate to property inventory requirements and other unnecessary official duties of boards of equalization and county tax assessing officials; and to provide that any future increase in compensation provided by local legislative act shall be paid entirely by the county in which the board members serve.

Representative Ford, Chairperson of the Standing Committee on Tourism, Entertainment and Sports, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, and it was read a second time and placed on the Calendar, to-wit:

H. 442. To induce tourism to the state of Alabama; to simplify the administration of certain existing tax requirements relating to tour bus operations; to amend Sections 40-19-1 and 40-17-150 of the Code of Alabama 1975, to define the term tour bus, and to amend 40-19-2 to exempt tour buses and charter party vehicles from the provisions of sections 40-19-3 through 40-19-17 of the Code of Alabama 1975, commonly known as the Motor Carrier Mileage Tax; to amend section 37-3-32 of the Code of Alabama 1975, as it applies to tour buses subject to the \$4.00 registration fee and the motor carrier fuel tax levied under section 40-17-141, to provide for a single remittance; provide for a system of remittance by a single check, money order, or, upon adoption of a duly promulgated regulation, by electronic funds transfer; and to provide for an effective date.

Representative Bowling, Chairperson of the Standing Committee on Local Legislation No. 1, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, and they were severally read a second time and placed on the Calendar, to-wit:

H. 470. Relating to the City of Gulf Shores in Baldwin County, so as to alter, rearrange and extend the boundary lines and corporate limits of the City of Gulf Shores.

H. 564. Relating to Baldwin County, providing further for the mileage reimbursement for the members of the county commission and providing for a retroactive effect.

Representative Bowling, Chairperson of the Standing Committee on Local Legislation No. 1, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, with substitute, and it was read a second time and placed on the Calendar, to-wit:

H. 588. (With Substitute): Relating to Monroe County, providing further for the compensation of the sheriff.

Representative Zoghby, Chairperson of the Standing Committee on Local Legislation No. 3, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, and it was read a second time and placed on the Calendar, to-wit:

S. 293. Relating to Mobile County; to amend Sections 1 through 9 of Act No. 974, S. 384, Regular Session 1961 (Acts 1961, p. 1550 et seq.); to confer on the Probate Courts of the county general and equity jurisdiction over certain estates concurrent with that of the Circuit Courts; to provide for the powers and authority of the Probate Judges and Chief Clerks of such Probate Courts; and to provide for the pleading and procedure in such estates, the enforcement of orders, judgments and decrees and appeals of same.

Representative Thomas, Chairperson of the Standing Committee on State Administration, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, and they were severally read a second time and placed on the Calendar, to-wit:

H. 531. To authorize the Secretary of State to employ an additional employee.

H. 39. Relating to the Alabama Institute for Deaf and Blind; to provide that the sale or disposal of tangible personal property or standing timber shall be let by competitive public auction or sealed bids; to provide for notice and inspection; to provide for re-advertisement and sale or a negotiated sale in the event bids were inadequate; to provide for the disposition of the proceeds and the continuous appropriation of same; to provide for civil and criminal penalties; and to provide for retroactive effect and validation.

H. 37. To amend Section 21-1-2 of the Code of Alabama 1975, relating to the Alabama Institute for Deaf and Blind so as to provide that no member of the board of trustees shall receive compensation for serving; and to provide that said board of trustee members shall receive reimbursement for reasonable expenses incurred in attending meetings and performing duties.

H. 98. To amend Section 41-16-21 of the Code of Alabama 1975, relating to contracts for which competitive bidding is not required generally and certain institutions exempted from provisions of the Article relating to powers and duties of the Department of Finance, so as to provide that those institutions and state agencies shall be required to solicit bids on contracts involving \$5,000.00 or more.

H. 96. To amend Section 36-7-21 of the Code of Alabama 1975, relating to allowances for persons traveling outside the state of Alabama, so as to permit the employing agency to elect to advance direct payments to third parties of travel and travel-related expenses for authorized travel out of state.

H. 164. Relating to the Alabama Sunset Law; to continue the existence and functioning of the board of funeral service with certain modifications; to amend the section of the Code of Alabama 1975, to authorize the board to establish a reasonable examination fee for preparing and administering examinations of the board's applicants.

H. 489. To amend Section 34-12-8, Code of Alabama 1975, which relates to licensing of foresters, so as to provide further for the renewals of said licenses.

CO-SPONSOR REMOVED

At the request of Representative Rogers (F), his name was removed as co-sponsor to the bills, H. 550, H. 551, H. 552, H. 553, H. 554, H. 555 and H. 556.

RESOLUTION

The following resolution was introduced:

By Representative Turner:

H.J.R. 141. COMMENDING TAMIEKIA LASHAE BONNER OF CITRONELLE, ALABAMA, FOR OUTSTANDING ACADEMIC ACHIEVEMENT.

WHEREAS, Tamiekia Lashae Bonner of Citronelle, Alabama, a student at Citronelle Middle School, is an outstanding young lady who has amassed numerous awards and accolades during her middle school years; and

WHEREAS, an A/B Honor Roll student all three years, she was voted "Class Favorite" in the sixth grade; in the seventh grade, she was Homecoming Maid and was the first Black in several years to be inducted into the National Honor Society; and

WHEREAS, also as a seventh grade student, Miss Bonner was a member of the Southeastern Consortium for Minorities in Engineering (SECME); placed 2nd and 3rd in two of three events of SECME competition on the local level; placed 3rd in two of three events in SECME competition on the state level; was named SECME Student of the Year at Citronelle Middle School and received a Certificate of Recognition for outstanding participation in the consortium program; and

WHEREAS, Miss Bonner, during her eighth grade year, has further most notably achieved through such honors and accomplishments as Junior Varsity Cheerleader, National Honor Society, Student Council Parliamentarian, yearbook and newspaper staff, Campus Standout (Mobile Press Register), SECME president, Class Favorite, Most Likely to Succeed, second place in two of three events in local SECME competition; and the Superintendent's Award; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we hereby most highly commend Tamiekia Lashae Bonner of Citronelle, Alabama, and direct that she receive a copy of this resolution, executed in sincere praise of her accomplishments.

On motion of Representative Turner, the rules were suspended and the resolution, H.J.R. 141, was adopted.

INTRODUCTION OF BILLS

Upon a call of Districts, bills were introduced, severally read one time and referred to appropriate standing committees as follows:

By Representatives Mathis, Beasley, and Carothers (With Notice and Proof):

H. 613. Relating to compensation for the sheriff of Houston County; providing for an increase in such compensation commencing with the next term of office.

COMMITTEE ON LOCAL LEGISLATION NO. 1

I HEREBY CERTIFY THAT THE NOTICE & PROOF IS ATTACHED TO THE BILL, H. 613, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

GREG PAPPAS, ASSISTANT CLERK

By Representatives Mathis, Beasley, and Carothers (With Notice and Proof):

H. 614. Relating to Houston County; providing an additional expense allowance for the sheriff of Houston County; and providing for an expiration date thereof.

COMMITTEE ON LOCAL LEGISLATION NO. 1

I HEREBY CERTIFY THAT THE NOTICE & PROOF IS ATTACHED TO THE BILL, H. 614, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

GREG PAPPAS, ASSISTANT CLERK

By Representative Rogers (J) (With Notice and Proof):

H. 615. To amend Section 3.05 of Act No. 452, H. 974, 1955 Regular Session (Acts 1955, p. 1004), as amended, which provided for a Mayor-Council form of government for cities having a population of 300,000 inhabitants or more according to the 1970 federal decennial census, now defined by statute as Class 1 municipalities and applicable only to the City of Birmingham, so as to authorize an increase in the salaries of members and the President of the City Councils of Class 1 municipalities, to eliminate payment of expense allowances to such Council members as provided for in Section 11-43-7.1(a) of the Code of Alabama 1975, and to specify when such increased salaries shall become effective.

COMMITTEE ON LOCAL LEGISLATION NO. 2

I HEREBY CERTIFY THAT THE NOTICE & PROOF IS ATTACHED TO THE BILL, H. 615, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

GREG PAPPAS, ASSISTANT CLERK

By Representatives Millican, Hill, Morrow, Haney, Bowling, Smith (C), Newman, Anderson, Sanderson, Gaines, Rogers (F), Knight, Morton, Hamilton, Hogan, Curry, Petelos, Cagle, Willis, and Black (M):

H. 616. To amend Rule 14.4 of the Alabama Rules of Criminal Procedure relating to the acceptance of a guilty plea from a defendant, so as to delete the requirement of execution of a form explaining the defendant's rights in misdemeanor and violation cases.

COMMITTEE ON JUDICIARY

By Representatives Millican and Newman:

H. 617. To amend the title and section 1 of Act No. 90-281, S. 361, 1990 Regular Session (Acts 1990, p. 355) relating to the financing and construction of public roads and bridges by the issuance of bonds with the proceeds to be used to repair public roads and bridges that were damaged during floods that occurred in February or March, 1990, so as to include the public roads and bridges that were damaged or destroyed during floods that occurred in December, 1990 or January, 1991.

COMMITTEE ON WAYS AND MEANS

By Representative Blakeney (With Notice and Proof):

H. 618. To alter or rearrange the boundary lines of the Town of Silas, Choctaw County, Alabama, so as to include within the corporate limits of said town all territory now within such corporate limits and also certain other territory contiguous thereto, in Choctaw County, Alabama.

COMMITTEE ON LOCAL LEGISLATION NO. 1

I HEREBY CERTIFY THAT THE NOTICE & PROOF IS ATTACHED TO THE BILL, H. 618, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

GREG PAPPAS, ASSISTANT CLERK

By Representatives Letson, Bugg, and Bowling:

H. 619. Prohibiting certain long-term health care facilities from charging more than a certain amount for reserving rooms for their patients during the first ten days such patients are hospitalized from such facilities and prescribing civil penalty for enforcement.

COMMITTEE ON HEALTH

By Representative Morrow (With Notice and Proof):

H. 620. Relating to Franklin County; to amend section 1 of Act No. 85-685, H. 1062, Regular Session 1985 (Acts 1985, p. 1099) relating to the disposition of

revenues from fees assessed on transactions of the tax assessor; so as to provide that certain funds currently allocated for a county legislative office be deposited in the county general fund.

COMMITTEE ON LOCAL LEGISLATION NO. 1

I HEREBY CERTIFY THAT THE NOTICE & PROOF IS ATTACHED TO THE BILL, H. 620, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

GREG PAPPAS, ASSISTANT CLERK

By Representatives Starkey, Hamilton, and Black (M):

H. 621. To reopen the Employees' Retirement System of Alabama, so as to authorize certain employees who worked for the Lauderdale County District Attorney to purchase retirement credit for prior service.

COMMITTEE ON WAYS AND MEANS

By Representatives Carothers, Beasley, and Mathis (With Notice and Proof):

H. 622. Relating to the City of Dothan in Houston County; to amend further Section 4 of Act No. 103, H. 363, Regular Session 1953 (Acts of Alabama 1953, p. 145), entitled "An Act to Establish a City of Dothan Pension and Retirement System," and as amended by Act No. 82-208, which act relates to the City of Dothan's Pension and Retirement System, so as to provide further for the authorized investments of the Pension Board.

COMMITTEE ON LOCAL LEGISLATION NO. 1

I HEREBY CERTIFY THAT THE NOTICE & PROOF IS ATTACHED TO THE BILL, H. 622, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

GREG PAPPAS, ASSISTANT CLERK

By Representative Black (M):

H. 623. To amend Section 2-5-2 which sets up a Farmers' Market Authority to require that the Commissioner of Agriculture and Industries shall be Chairman of the Authority.

COMMITTEE ON AGRICULTURE, FORESTRY
AND NATURAL RESOURCES

By Representatives Williams, Fuller, Butler, and Mikell:

H. 624. Relating to the state dental examiners board; to amend Sections 34-9-8, 34-9-16 and 34-9-43, Code of Alabama 1975, so as to provide for certain increases of fees of the board and to provide further for the publication by the

board of its list of licenses.

COMMITTEE ON STATE ADMINISTRATION

By Representative Venable:

H. 625. To prohibit the discharge of sewage, litter, or garbage into the public waters of this state; to require marine sanitation devices on certain watercraft and to provide for a fee on the devices; to create the Boat and Marina Fund and an Authority to administer it; to require that marina sanitary facilities must be approved by the State Board of Health; to provide for registration fees on watercraft to be collected by the Department of Conservation and Natural Resources; to provide for the administration of the act; to provide for criminal penalties for violations and administrative penalties; and to repeal sections 33-6-1 through 33-6-12, Code of Alabama 1975.

COMMITTEE ON HEALTH

By Representative Zoghby:

H. 626. To amend Section 36-21-7, Code of Alabama 1975, which provides for reimbursement of the cost of mandated training to the governmental entity that paid for such training where one governmental entity hires law enforcement officers, fire protection personnel or firefighters employed by another governmental entity within 12 months following completion of said training, so as to increase the 12-month period to 24 months; to require reimbursement of training costs, which are mandated by law or necessary to enable an employee to become certified, to the governmental entity that paid for such training where one governmental entity hires ambulance service operators, ambulance drivers, ambulance attendants, ambulance driver-attendants, emergency medical technicians, or water and wastewater operators employed by another governmental entity within 24 months following completion of said training.

COMMITTEE ON LOCAL GOVERNMENT

By Representatives Zoghby, White, Harper, Rockhold, Box, Campbell, Gaston, Penry, McMillan, Clark (W), Buskey (JL), Kennedy, McDowell, Barnes, Biddle, Payne, Carns, Hawkins, McClain, Millican, Gaines, Sanderson, Kvalheim, Gullatt, Hooper, McKee, Mikell, Turner, Curry, Morton, Smith (C), Newton (C), Holmes, Escott-Russell, Buskey (JE), Thomas, Rogers (J), and Warren:

H. 627 To create a State of Alabama Rapid Rail Transit Commission; and to provide for its membership and duties.

COMMITTEE ON COMMERCE,
TRANSPORTATION AND UTILITIES

By Representative Zoghby:

H. 628. To amend Sections 44-1-73 and 44-1-75, Code of Alabama 1975,

relating to the youth services department special school district to permit the district to provide education in juvenile detention facilities.

COMMITTEE ON EDUCATION

By Representative Mikell:

H. 629. To amend Section 11-43-210 of the Code of Alabama 1975, relating to reserve law enforcement officers; so as to provide further for reserve deputy sheriffs.

COMMITTEE ON JUDICIARY

By Representative Black (L):

H. 630. To amend Section 40-14-70, Code of Alabama 1975, to exempt from the taxation of corporate shares of stock any corporation or legal entity doing business in this state as a recycling facility.

**COMMITTEE ON COMMERCE,
TRANSPORTATION AND UTILITIES**

By Representative Sanderson:

H. 631. To amend Section 40-23-4, Code of Alabama 1975, by adding a new subsection, exempting from the tax levied against the gross proceeds on the sale of all machinery and equipment, all devices, facilities, and structures, or materials for use therein, for use in the recycling process.

**COMMITTEE ON COMMERCE,
TRANSPORTATION AND UTILITIES**

By Representatives Hooper and Gaston:

H. 632. To establish within the Alabama Development Office a Recycling Market Development Council to assist in the development of markets for recovered materials and products with recycled content in this state; to provide for the method of appointment of members of the council; to provide for the term of office of council members and the payment of expenses for council members; to authorize the council to receive grants, contributions or donations; and to establish the functions and duties of the council.

**COMMITTEE ON COMMERCE,
TRANSPORTATION AND UTILITIES**

By Representative Gaston:

H. 633. To amend Section 40-9-1, Code of Alabama 1975, by providing for a new subsection, exempting from ad valorem taxation all real and personal property acquired or constructed primarily for recycling.

**COMMITTEE ON COMMERCE,
TRANSPORTATION AND UTILITIES**

By Representative Zoghby:

H. 634. To amend Title 40, chapter 18, Code of Alabama 1975, relating to the income tax laws by adding a new Article 7 to provide a tax credit for qualified recycling machinery and equipment, together with all identifiable components thereof; provides for a precertification procedure of qualified machinery and equipment, together with all identifiable components thereof, by the Alabama Department of Revenue; provides for recapture, carryforward and carryback formulas; provides for the year in which the credit may be taken; and amends Section 40-18-1, Code of Alabama 1975, to provide for additional definitions.

COMMITTEE ON COMMERCE,
TRANSPORTATION AND UTILITIES

By Representative Drake:

H. 635. Proposing an amendment to Amendment No. 339 to the Constitution of Alabama of 1901, as amended, which provides for legislative sessions and length of regular sessions for appropriation, so as to further provide therefor; repealing Amendment No. 448 to the Constitution of 1901, as amended, which commonly is cited as the "Budget Isolation Amendment"; and providing for an election on ratification in accordance with the Constitution of 1901.

COMMITTEE ON WAYS AND MEANS

The above bill was read a first time at length as required by the Constitution.

By Representatives Anderson, Hall, Bugg, Letson, Holmes, Clay, Morrow, McClain, Butler, Hogan, Spratt, McDowell, Grayson, Ford, Haynes, Laird, Freeman, Dolbare, Hill, Fuller, Black (M), Mathis, and Buskey (JL):

H. 636. To amend Section 16-11-2, Code of Alabama, 1975, pertaining to city boards of education so as to further provide for such boards; to establish residency requirements; to allow city-wide referendums; to set dates of elections and referendums; to establish ballot language; to set terms of office; to provide for vacancies; to provide for districts; to ratify and confirm existing elected city board of education; and to repeal certain provisions.

COMMITTEE ON EDUCATION

By Representatives Anderson, Letson, Clay, McDowell, Buskey (JE), Carter, Rogers (J), Holladay, Thomas, Carothers, Mathis, Haynes, Bryant, Cullins, Rockhold, Williams, Morrow, Bugg, and Spratt:

H. 637. To authorize the state department of human resources by and through its commissioner, to enter into interstate adoption assistance compacts to provide for medical and other necessary services for special needs children; to provide procedures for interstate adoption assistance payments, including medical payments; and to provide a penalty for the false or fraudulent submission of any claim for payment or reimbursement for services.

COMMITTEE ON JUDICIARY

By Representative Mathis:

H. 638. To establish the Forty-first Judicial Circuit, composed of Geneva County; to provide that the Thirty-third Judicial Circuit shall continue, composed of Dale County; to create the offices of a circuit judgeship and a district attorney for the Forty-first Judicial Circuit; to provide for the election of a circuit judge and a district attorney to fill such offices; and to provide effective dates.

COMMITTEE ON WAYS AND MEANS

By Representatives McMillan and Penry:

H. 639. To amend Section 9-12-123, Code of Alabama 1975, which relates to licenses for the use of gill nets, so as to decrease the fees for such licenses.

COMMITTEE ON AGRICULTURE, FORESTRY AND NATURAL RESOURCES

By Representatives McMillan and Penry:

H. 640. Relating to bait shrimping, to amend Section 9-12-54.6, Code of Alabama 1975, as last amended, relating to bait shrimping, so as to further provide for certain bait shrimping in Baldwin and Mobile Counties; and to specifically repeal Sections 9-12-54.1 (relating to the live bait shrimp dealers license), 9-12-54.2 (relating to the expiration date and nonresident license fee for said license), 9-12-54.3 (relating to the identification of vehicles utilized pursuant to said license), 9-12-54.4 (relating to the catching of and sale of bait shrimp), 9-12-54.5 (relating to the taking of shrimp by persons without said license), and 9-12-54.7 (relating to the penalty provisions for violations of 9-12-54.1 through 54.6), of the Code of Alabama 1975.

COMMITTEE ON AGRICULTURE, FORESTRY AND NATURAL RESOURCES

By Representative Buskey (JL):

H. 641. To amend Section 27-1-18, Code of Alabama 1975, relating to patient reimbursement under certain medical expense insurance policies, so as to require that insurance policies or medical service contracts which include reimbursement for services rendered by psychiatrists and psychologists, shall also include reimbursement for services rendered by clinical social workers, professional counselors and psychiatric nurses.

COMMITTEE ON INSURANCE

By Representative Harper:

H. 642. To further amend Section 14-2-12 of the Code of Alabama 1975, so as to authorize Alabama Corrections Institution Finance Authority to issue an additional \$25,000,000 aggregate principal amount of Bonds.

COMMITTEE ON WAYS AND MEANS

By Representative Harper:

H. 643. To make an appropriation from the State General Fund to the Alabama State Fair for the fiscal year ending September 30, 1992, and to require an operations plan and audited financial statement prior to release of any funds.

COMMITTEE ON WAYS AND MEANS

By Representative Harper:

H. 644. To make an appropriation to the Alabama Sports Festival in Montgomery, Alabama for the fiscal year ending September 30, 1992, and to require an operations plan and audited financial statement prior to release of any funds.

COMMITTEE ON WAYS AND MEANS

By Representative Harper:

H. 645. To make a supplemental appropriation for the sum of Twenty-five thousand dollars (\$25,000) to the Alabama Liquefied Petroleum Gas Board from the Alabama Liquefied Petroleum Gas Board Fund for the fiscal year ending September 30, 1991.

COMMITTEE ON WAYS AND MEANS

By Representative Harper:

H. 646. To make an appropriation to the Commission on Physical Fitness for the fiscal year ending September 30, 1992.

COMMITTEE ON WAYS AND MEANS

By Representatives Turner, Holley, Clark (J), Drake, Hill, Butler, Mikell, Richardson, Smith (R), Rich, Walker, Sanderford, Smith (C), McDaniel, Newman, Parker (T), Haney, Melton, Dolbare, Willis, Crow, Powell, Hamilton, Layson, Zoghby, Hooper, Harper, and Fuller:

H. 647. To give the Act a title; to enumerate the goals of this Act; to amend Section 16-23-3, Code of Alabama 1975, to require the state board of education to adopt policies authorizing under certain circumstances alternative certificates to be issued regardless of whether the recipient is a graduate of an approved teacher program; to provide that persons receiving alternative certificates for three consecutive years may under certain circumstances be granted a teaching certificate pursuant to Section 16-23-1, Code of Alabama 1975, and become eligible for continuing service status; to provide for emergency certificates; to provide that time served pursuant to an alternative certificate shall be counted in determining continuing service status; to provide that time served pursuant to an emergency certificate shall not be counted in determining continuing service status; to amend Sections 16-3-16, 16-23-14, and 16-23-15, Code of Alabama 1975 consistent with Chapter 23 of Title 16, Code of Alabama 1975, as amended; to establish a Professional Teacher Standards Commission and to provide for the

designation or development of an entry-level pre-certification examination for teacher candidates in Alabama; to amend Section 16-3-15, Code of Alabama 1975, by defining "required courses" and "elective courses" and by requiring the state board of education to mandate certain required courses for grades 9 through 12 in public schools beginning with students entering the 9th grade in the 1992-93 academic year, and by authorizing the state board of education to approve elective courses in public schools, and by providing that in the event a city or county board of education has met certain specified conditions then such local board may approve elective courses in addition to the required courses set forth and elective courses approved by the state board of education, provided, however, that if a local board approves an elective course previously approved by the state board of education then the local board is required to use any course content approved by the state board of education for such elective, and by providing that in the event a city or county board of education has not met certain specified conditions then such local board shall offer only elective courses approved by the state board of education, and by providing that the state board of education shall adopt policies, procedures, rules, regulations, and/or standards to require that certain courses must be taken and successfully passed by every student enrolled in grades 9 through 12 of public schools prior to receipt of a diploma, phased in beginning with students entering the 9th grade in the 1992-93 academic year, providing, however, for students identified as eligible for special education services, and by providing that the state board of education shall adopt policies, procedures, rules, regulations, and/or standards to require that a certain number of elective courses must be successfully passed by a student in grades 9 through 12 of public schools prior to such student's graduation or receipt of a diploma, phased in beginning with students entering the 9th grade in the 1992-93 academic year, by providing that the state board of education shall adopt other provisions necessary to fully implement this section so long as such provisions are consistent with all requirements, restrictions, definitions, and limitations of this section, and by providing that the state board of education shall require that certain courses be taught in grades one through eight in all public schools, phased in beginning with students entering grades one through eight in the 1992-93 academic year, and by providing that the state board of education shall adopt necessary policies, procedures, rules, regulations and/or standards to encourage college and university departments of education to review existing educational programs to insure that prospective teachers are properly prepared; to amend Section 16-35-1, Code of Alabama 1975, as amended, by expanding the courses of study committee; to repeal Sections 16-40-1, 16-40-2, 16-40-3, 16-40-4, 16-40-5.1, 16-40-5.2, 16-40-5.3, 16-40-5.4, 16-40-6, 16-40-7 and 16-40-8, Code of Alabama 1975, effective August 1, 1992; to require the state board of education to adopt learner outcomes defining what students must know to compete nationally and internationally; to require the state board of education policies to require mechanisms to receive feedback from higher education institutions and the business community; to require the state board of education to eliminate social promotion of students by strengthening promotion and retention standards required of all local school systems; to require local boards of education to provide counseling, tutorial assistance, and remediation when necessary to ensure that students are literate in the skills identified in the required courses of study and have achieved standards of the grade level of learning on course content; to direct to the state board of education to establish a performance-based accreditation system for all city and county boards of education and all public schools to

supplement the existing accreditation system; to direct the state board of education to establish specific guidelines and minimum performance levels which reflect the standards required for accreditation and to identify certain standards required for accreditation, which standards shall include a measurement of the academic performance of each school and school system and shall be directly linked with the student assessment program as provided for in this Act; to require each city or county board of education to submit to the state board of education information as may be required to determine its accreditation status; to provide a means of classifying schools and school systems as excellent, satisfactory or probationary, and providing further for an annual report to be known as the "Report Card on Our Schools and School Systems"; to require non-accredited and accredited probationary city or county boards of education to develop education improvement plans subject to the approval of the state superintendent of education and designed to cause such board of education and each public school to meet standards and minimum performance required for accreditation; to establish a procedure for any member of the public to lodge a complaint against any school or school system if the complaining person has reason to believe such school or school system is falling below the minimum performance standards established herein; to allow the state superintendent of education to intervene in the operation of a non-accredited board of education temporarily in the event that such board fails to implement an education improvement plan or is unable or unwilling to meet the standards and minimum performance levels to be accredited; to provide for a lengthened school term of 179 actual teaching days, phased in with one additional teaching day annually from 1992 through 1996; to provide that any employee required to work an additional day or days shall be compensated with a corresponding additional day or days' pay in addition to any cost of living adjustment; to create the Alabama Council on Family and Children for the purpose of coordinating services supporting early childhood development and family involvement in education, to specify the membership of the council, to direct the Alabama Council on Family and Children to submit to the Governor and the legislature recommendations concerning the federally sponsored Head Start Programs and state-sponsored Head Start type programs, including pilot testing thereof, to establish criteria for recognizing preschool students in need of readiness skills and the development of summer programs to aid such students, and to direct the Alabama Council on Family and Children to provide programs of instruction in professional development for public school instructors, teachers and administrators involved in early childhood development; to amend Section 16-28-4, Code of Alabama 1975, to provide that before a child may be admitted to the first grade in the public schools such child must have completed one year of kindergarten in either public, private or church-related kindergarten; to define "schools of choice" and "school system," to authorize county and city boards of education to implement a Schools of Choice plan for use within their respective school systems consistent with federal and state constitutional, statutory, and administrative provisions of law, including applicable federal or state court orders including but not limited to all applicable federal court desegregation orders, where such plan is adopted by either a resolution of the respective city or county board, or a majority of voters within a particular jurisdiction at a referendum called by a resolution of the respective county or city board of education and held in accordance with special election laws, to require city and county boards to report to the state superintendent and certify compliance of local Schools of Choice plans with applicable federal or state court orders including but not limited to all applicable federal court desegregation

orders, and applicable federal and state constitutional, statutory, and administrative provisions of law, to require the state superintendent to submit an annual Schools of Choice report to the state board of education; to require the state board of education to adopt a program to implement a complete, valid and reliable assessment of student achievement in the core curriculum courses for students, and to correlate the results of such tests with the development of promotion and retention standards as required by this Act; to include as part of the assessment certain mandatory student examinations; to require the state board of education to develop and implement an aptitude assessment program; to direct the state board of education to establish a goal of increasing the scale score for passing the Alabama High School Graduation Exam over the next three scholastic years beginning with the exam to be given in the fall of 1991, and direct the state board of education to continually revise the Alabama High School Graduation Exam to ensure that said exam measures the skills and knowledge expected of high school graduates; to provide that all students who participate in work-related programs requiring those students to leave school for more than one instructional period during their regular school day shall have met or exceeded the minimum acceptable level of performance in a test of basic skills; to require the state board of education to adopt a mandatory and enforceable attendance policy for all students, which policy shall recognize that it is the responsibility of every parent or guardian to ensure his/her child is regular in public, private, or church-related school attendance, and parents shall be held accountable for the failure of the child who is of compulsory attendance age to attend; to provide for increased utilization of advanced technology in Alabama public schools and teacher training programs; to establish a Council on Adult Education and specify the membership thereof, which will develop long-range recommendations and an inventory of adult education programs and report to the 1992 regular session of the legislature; to provide the Council on Adult Education with support staff provided by the Alabama department of postsecondary education and the state department of education; to require, each public school instructor, teacher, supervisor or administrator to complete a minimum of twelve clock hours of approved instruction in professional development beginning with the 1992-93 school year; to require the Alabama state board of education to provide courses of instruction in professional development and to specify certain subjects which must be offered; to require any public school instructor, teacher, supervisor or administrator who fails to earn twelve clock hours of professional development credits by June 15 to submit a plan for making up the deficiency; to require the local superintendent of education to monitor compliance with the minimum credit hours requirement and to report non-compliance by personnel within his jurisdiction to the state superintendent of education; to direct the state board of education to study programs of instruction in professional development designed to develop leadership skills for school system administrators and principals which utilize expertise from private industry; to direct the state board of education to implement a personnel evaluation system to further assist public school personnel in completing the professional development requirement requirements imposed herein; to identify and define students who are at-risk of poor academic performance, failure or dropping out; to direct the state board of education to cause to be developed programs for providing educational and related services reasonably calculated to enable at-risk children to successfully complete the elementary and secondary curriculum; to direct the state board of education to develop pilot alternative programs for students with behavioral or instructional

problems which cannot be met in the regular school program; to direct the state board of education to implement a pilot program to determine the optimum teacher-pupil ratios for promoting academic achievement for students who are economically or educationally deprived; to direct the state board of education to monitor, analyze and report to the Governor and the legislature on such pilot programs; to further direct the state board of education to cause to be developed and piloted dropout prevention and recovery programs; to require the state board of education to designate certain schools or school systems as lead schools or school systems for purposes of implementation of a dropout prevention and retrieval program; to require the state board of education to monitor and provide guidance for schools or school systems with dropout prevention and retrieval programs deemed to be deficient; to direct the state board of education to adopt policies and procedures to implement a comprehensive career awareness program in the middle schools, to place strong emphasis on school counselors to identify students at-risk, to develop professional develop programs to prepare teachers for dealing with students at-risk, to encourage business and community involvement, and to increase the graduation rate to 90% by the year 2000; to provide for the development of flexible school terms extending over the twelve-month calendar year, with approval by the state board of education; and to provide that school personnel may work extended contract periods provided such personnel are willing and are paid commensurate with the system's salary schedule; to require the state board of education to encourage city and county boards of education to develop site based decision-making programs and innovative programs and methods of instruction for local schools and apply to the state board of education for waiver of any relevant state board of education policy, standard, regulation, and/or procedure, so long as the state board of education policy, standard, regulation, and/or procedure is not expressly required by statute, and providing that the state superintendent of education shall monitor such programs, and providing that no employees shall have diminished or revoked any contractual or due process rights guaranteed by law or policy of the state board of education as a result of the implementation of site based decision-making programs adopted as a result of this Act; to require the state board of education to require the state superintendent of education to recommend changes to encourage city and county boards to develop local programs, to require the state board of education to require the state superintendent of education to recommend a plan for grants to city and county boards that restructure local programs to promote educational enhancement at the local level; to require that school boards shall develop and adopt a discipline plan and a code of student conduct, ensuring a safe school environment free of illegal drugs, alcohol or weapons, establishing uniform policies and penalties; to prescribe minimum standards for school discipline and vandalism policies, and to create a cause of action against parents and/or guardians of any minor who damages school property; to provide civil immunity for teachers and other school authorities for carrying out discipline policies in the schools; to require the state board of education to develop a financial tracking and reporting system for all funds allocated by the Alabama Special Educational Trust Fund Appropriation Act to the local school systems and the local schools in each system; to designate the Alabama Education Study Commission as the Standards on Excellence Commission responsible for examining the required courses, testing programs for teacher candidates, promotion and retention standards, student assessment programs and the performance-based accreditation standards, as well as overall compliance under this Act, and to require said commission to report its

findings to the Governor, legislature, and state board of education; to provide that any and all mandates contained in the provisions of this Act shall be mandated only to the extent that funds are appropriated or otherwise made available for the purposes of implementing such mandates; to provide the intent of the legislature that any board, commission, council or similar body designated or created pursuant to this Act shall have equitable representation of minorities; to provide that definitions set forth shall be deemed applicable whether the words defined are used in the singular or plural; to provide that any pronoun used herein shall be deemed to include both the singular and the plural and to cover all genders; to provide for severability; to provide for an effective date.

COMMITTEE ON EDUCATION

By Representatives Black (M), Drake, Rich, Crow, Powell, Butler, Cosby, Payne, Anderson, White, Spratt, Cullins, Smith (C), Hammett, Sanderson, Gaines, Mathis, Grayson, Hamilton, Petelos, Turner, Harvey, Lindsey, Laird, Hawkins, Ford, Johnson, Morton, Starkey, Rogers (F), Burke, Curry, McClain, Barnes, Fuller, McMillan, Hogan, Bowling, Parker (P), Goodwin, Letson, Warren, Willis, Perdue, Knight, Holladay, Millican, Morrow, and Smith (R):

H. 648. To amend Section 27-21A-23 of the Code of Alabama 1975, relating to statutory construction and relationship of certain insurance laws as they relate to health maintenance organizations, so as to provide further for such construction and legal relationship.

COMMITTEE ON HEALTH

By Representatives McDowell and McClain (With Notice and Proof):

H. 649. To provide for the appointment of personal property appraisers by the Jefferson County tax assessor and the elected assistant Jefferson County tax assessor, Bessemer Division and to provide for qualifications, ethical conduct and compensation.

COMMITTEE ON LOCAL LEGISLATION NO. 2

I HEREBY CERTIFY THAT THE NOTICE & PROOF IS ATTACHED TO THE BILL, H. 649, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

GREG PAPPAS, ASSISTANT CLERK

By Representatives Biddle, Payne, and Sanderson:

H. 650. To amend Section 40-10-6, Code of Alabama 1975, relating to publication of certain notices of sale of land for payment of taxes, so as to require such legal notices regarding such sales inserted in a newspaper shall be listed by name in alphabetical sequence.

COMMITTEE ON STATE ADMINISTRATION

By Representative Curry (With Notice and Proof):

H. 651. To approve and authorize the County Commission of Jefferson County, Alabama to increase the rate at which ad valorem taxes are levied in the Jefferson County School District for public school purposes in the District, pursuant to the election in said District held on February 11, 1969, under the Jefferson County Consolidation School Tax Amendment of the Alabama Constitution (Amendment No. 82), adjusted in accordance with Amendment Nos. 325 and 373 to the Alabama Constitution, or pursuant to such elections as may subsequently be held under the Jefferson County Consolidation School Tax Amendment (Amendment No. 82), adjusted in accordance with Amendment Nos. 325 and 373 to the Alabama Constitution, to approve, renew, or extend said tax levy, from \$.88 to \$2.28 on each \$100 of taxable property in the Jefferson County School District (consisting of all areas of Jefferson County outside of the municipalities of Birmingham, Bessemer, Fairfield, Mountain Brook, Homewood, Vestavia Hills, Tarrant City, Midfield and Hoover), the proceeds of said tax to be used for public school purposes in said School District, subject, however, to the approval of the qualified electors residing in the Jefferson County School District who vote on the proposal at a special election.

COMMITTEE ON LOCAL LEGISLATION NO. 2

I HEREBY CERTIFY THAT THE NOTICE & PROOF IS ATTACHED TO THE BILL, H. 651, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

GREG PAPPAS, ASSISTANT CLERK

By Representative Carothers:

H. 652. To amend Section 7-9-404 of the Code of Alabama 1975, relating to termination statements on secured interests, so as to provide further for procedures relating to such statements.

COMMITTEE ON BANKING

By Representative Carothers:

H. 653. To establish the Alabama Public Livestock Marketing Business Act; to establish a board to promote the marketing of livestock; and to establish charters for public livestock markets and to fix fees therefor.

COMMITTEE ON AGRICULTURE, FORESTRY
AND NATURAL RESOURCES

By Representative Curry:

H. 654. To provide that this bill shall be known as the Rooming and Boarding Home Act of 1991; to establish a statewide registry of all those rooming homes, boarding homes, and assisted living facilities including those licensed by either the State Board of Health or other state and local agencies; to empower the

State Board of Health to investigate complaints and violations of this act and give the State Board of Health authority to request a search warrant to investigate rooming and boarding homes; to give the Board of Health subpoena power and provide other procedural powers to enable it to conduct investigations under this act; to provide for administrative fines and penalties for enforcement; to empower the Board of Health to issue cease and desist orders to persons and facilities who violate this act; to further empower the Board to seek injunctive relief against any person or facility who violates this act; to provide for criminal penalties for noncompliance with its provisions; to require other state and local agencies which license, approve, permit, or certify rooming homes, boarding homes, and assisted living facilities to enter into a memorandum of understanding with the State Board of Health to identify facilities which should be placed on the statewide registry of rooming homes, boarding homes, and assisted living facilities.

COMMITTEE ON HEALTH

By Representatives Laird, Clark (J), Zoghby, Richardson, Hamilton, Kennedy, McClain, Buskey (JE), McMillan, Petelos, Buskey (JL), Willis, Parker (T), Hooper, Bowling, Cosby, Lindsey, Flowers, Turnham, Curry, Bugg, Ford, Beasley, Venable, Black (M), Butler, Williams, Gullatt, Hogan, Burke, Rogers (J), and Penry:

H. 655. To amend Section 41-23-1, Code of Alabama 1975, pertaining to the Department of Economic and Community Affairs, so as to establish the Office of Water Resources as a division of the Department of Economic and Community Affairs; to authorize the Office of Water Resources to take necessary steps to study and evaluate the water resources of the state; to establish the Alabama Water Resources Commission; to authorize the Alabama Water Resources Commission to promulgate rules and regulations for the Office of Water Resources; to authorize the Office of Water Resources to negotiate agreements or compacts with other states regarding the waters of the state; to authorize the Office of Water Resources to monitor the use of the water resources of the state; to grant the Office of Water Resources the authority to encourage the efficient use and development of the water resources of the state; and, to appropriate funds for the activities of the Office of Water Resources and the Alabama Water Resources Commission.

COMMITTEE ON AGRICULTURE, FORESTRY AND NATURAL RESOURCES

By Representatives Laird, Clark (J), Zoghby, Richardson, Hamilton, Kennedy, McClain, Buskey (JE), Willis, Parker (T), Hooper, Bowling, Lindsey, Flowers, Turnham, Curry, Ford, McMillan, Beasley, Venable, Butler, Gullatt, Burke, Rogers (J), and Penry:

H. 656. To establish the Alabama Water Resource Development Fund; to provide for the administration and use of the fund; to provide for user fees; and to authorize the commission.

COMMITTEE ON AGRICULTURE, FORESTRY AND NATURAL RESOURCES

By Representative Curry (With Notice and Proof):

H. 657. Relating to the Jefferson County Tax Assessor's office and the Jefferson County Tax Collector's office; to amend provisions for salaries of the Appointed Chief Deputy Tax Assessors and the Appointed Chief Deputy Tax Collectors.

COMMITTEE ON LOCAL LEGISLATION NO. 2

I HEREBY CERTIFY THAT THE NOTICE & PROOF IS ATTACHED TO THE BILL, H. 657, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

GREG PAPPAS, ASSISTANT CLERK

S. 41 REREFERRED

No objection being offered, the Speaker rereferred the bill, S. 41, from the Standing Committee on Local Legislation No. 1 to the Standing Committee on Local Legislation No. 2.

H. 607 REREFERRED

No objection being offered, the Speaker rereferred the bill, H. 607, from the Standing Committee on Ways and Means to the Standing Committee on Commerce, Transportation and Utilities.

RESOLUTIONS

The following resolutions were introduced:

By Representatives Hamilton, Richardson, Layson, Mikell, Carter, Fuller, Curry, Black (M), Newton (D), Starkey, Rich, Smith (R) and Turner:

H.J.R. 142. URGING CONGRESS TO REJECT ANY EFFORT TO IMPOSE GOVERNMENT-MANDATED UNREALISTIC STANDARDS ON THE AUTOMOTIVE INDUSTRY.

WHEREAS, the automotive industry continues to make steady, continuous improvements in the fuel economy of the fleet it offers for sale to the public; and

WHEREAS, efforts have been made recently in Congress to impose drastic, government-mandated increases in the Corporate Average Fuel Economy (CAFE) standards on the automotive industry for cars and light trucks, calling for a forty percent increase to be achieved by the year 2001; and

WHEREAS, a major increase in the CAFE standards would sharply limit consumers' choice of vehicles, limiting them to choose from minicompact,

subcompact and compact cars; and

WHEREAS, unrealistic standards would seriously reduce the availability of full-size and midsize vans and pickup trucks - the workhorse of many small businesses and farms; and

WHEREAS, it has been estimated that significantly higher CAFE standards would cost as many as 300,000 U. S. jobs in the next decade; and

WHEREAS, higher CAFE standards, which would reduce oil imports by only one to two percent by the year 2005, would do little to enhance U. S. energy security; and

WHEREAS, many national safety experts have expressed the opinion that a drastic increase in the standards would increase risk of fatalities and injuries because of smaller and lighter automobiles creating a vast difference in vehicle sizes operating on the roads and highways; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we hereby urge the Congress to reject any effort to impose government-mandated unrealistic standards on the automotive industry, thus preserving the freedom of the public to exercise its choice of vehicle to meet its needs.

BE IT FURTHER RESOLVED, That the Clerk of the House dispatch a copy of this resolution to each member of the Alabama Congressional Delegation.

On motion of Representative Hamilton, the rules were suspended and the resolution, H.J.R. 142, was adopted.

Also:

By Representatives McClain, Curry and Petelos:

H.J.R. 143. COMMENDING DENNIS P. OWENS OF BIRMINGHAM, ALABAMA, FOR DISTINGUISHED SERVICE IN THE PERSIAN GULF.

WHEREAS, it is with inordinate pride that the Legislature of Alabama recognizes the courage and sacrifice of Alabama's brave men and women whose participation in Operation Desert Storm contributed greatly to the swift conclusion and spectacular Allied victory in the Persian Gulf; and

WHEREAS, one such individual in whom we are justly proud is Dennis P. Owens, a Birmingham physician and staff doctor at Lloyd Noland Hospital, who is attached to the 109th Hospital Evacuation Unit; and

WHEREAS, Colonel Owens, with his unit, was deployed to the Persian Gulf on January 3, 1991, and returned April 20, 1991, thereby serving 108 days in the Gulf's combat zone under constant threat to his life; and

WHEREAS, Dr. Dennis P. Owens is indeed deserving of our fervent praise

as well as our deep and sincere gratitude, for his distinguished service in the Persian Gulf, for his unswerving commitment to freedom and world peace, and for his willingness and desire to stand ready to defend his country at all costs and self-sacrifice; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we hereby most highly commend Dennis P. Owens of Birmingham, Alabama, and do further direct that he be presented with a copy of this resolution of highest honor and esteem.

On motion of Representative McClain, the rules were suspended and the resolution, H.J.R. 143, was adopted.

Also:

By Representatives McClain, Curry and Petelos:

H.J.R. 144. COMMENDING WALTER WILLIAMS OF BIRMINGHAM, ALABAMA, FOR DISTINGUISHED SERVICE IN THE PERSIAN GULF.

WHEREAS, it is with inordinate pride that the Legislature of Alabama recognizes the courage and sacrifice of Alabama's brave men and women whose participation in Operation Desert Storm contributed greatly to the swift conclusion and spectacular Allied victory in the Persian Gulf; and

WHEREAS, one such individual, in whom we are justly proud, is Walter Williams, a pharmacy technician at Lloyd Noland Hospital who is attached to the 109th Hospital Evacuation Unit; and

WHEREAS, Sergeant Williams, with his unit, was deployed to the Persian Gulf on January 3, 1991, and returned April 20, 1991, thereby serving 108 days in the Gulf's combat zone under constant threat to his life; and

WHEREAS, Walter Williams is indeed deserving of our fervent praise, as well as our deep and sincere gratitude for his distinguished service in the Persian Gulf, for his unswerving commitment to freedom and world peace, and for his willingness and desire to stand ready to defend his country at all costs and self-sacrifice; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we hereby most highly commend Walter Williams of Birmingham, Alabama, and do further direct that he be presented with a copy of this resolution of highest honor and esteem.

On motion of Representative McClain, the rules were suspended and the resolution, H.J.R. 144, was adopted.

Also:

By Representatives McClain and Curry:

H.J.R. 145. COMMENDING WILLIE COLEMAN OF BIRMINGHAM, ALABAMA, FOR DISTINGUISHED SERVICE IN THE PERSIAN GULF.

WHEREAS, it is with inordinate pride that the Legislature of Alabama recognizes the courage and sacrifice of Alabama's brave men and women whose participation in Operation Desert Storm contributed greatly to the swift conclusion and spectacular Allied victory in the Persian Gulf; and

WHEREAS, one such individual, in whom we are justly proud, is Willie Coleman, a respiratory therapist at Lloyd Noland Hospital who is attached to the 251st Hospital Evacuation Unit; and

WHEREAS, Willie Coleman, with his unit, was deployed to the Persian Gulf early in January, and is scheduled to return on or about May 10, 1991, thereby serving more than 125 days in the Gulf's combat zone under constant threat to his life; and

WHEREAS, Willie Coleman is indeed deserving of our fervent praise, as well as our deep and sincere gratitude for his distinguished service in the Persian Gulf, for his unswerving commitment to freedom and world peace, and for his willingness and desire to stand ready to defend his country at all costs and self-sacrifice; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we hereby most highly commend Willie Coleman of Birmingham, Alabama, and do further direct that he be presented with a copy of this resolution of highest honor and esteem.

On motion of Representative McClain, the rules were suspended and the resolution, H.J.R. 145, was adopted.

Also:

The following resolution was introduced and distributed according to Joint Rule 11:

By Representative Black (L):

H.R. 146. MOURNING THE DEATH OF MAZIE COLEMAN OF YORK, SUMTER COUNTY, ALABAMA.

Also:

The following resolution was introduced:

By Representative Carter:

H.J.R. 147. COMMENDING HELEN CARTER, ATHENS-LIMESTONE COUNTY CHAMBER OF COMMERCE CITIZEN OF THE YEAR.

WHEREAS, in recognition of outstanding community service, Helen Carter has been named Citizen of the Year by the Athens-Limestone Chamber of Commerce; and

WHEREAS, Ms. Carter, who has served as director of the Council on Aging for the past ten years, was cited by the Chamber for her tireless efforts on behalf of the elderly, both as director of the Council and through many volunteer activities with community organizations serving the needs of area senior citizens; and

WHEREAS, Citizen of the Year Helen Carter, who serves on the board of TARCOG, also is a member and/or board member of RSVP, CASA, Limestone Health Council, Limestone County Safety Committee, Interagency Council, Project Heat, Medical Board of Elkmont, ASSETS Committee (DHR), and Directors of Volunteer Services (DOVS); and

WHEREAS, in further service to the elderly, Ms. Carter is Limestone County's representative to the state on the plight of the homeless, and Meals on Wheels Task Force; and

WHEREAS, the Athens-Limestone County Chamber of Commerce, in selecting Helen Carter as their Citizen of the Year, has indeed bestowed honor upon a caring and compassionate citizen, whose many contributions to the well-being of the elderly speak eloquently of the depth of her commitment; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That in recognition of outstanding service to the elderly and to the community, we hereby most highly commend Helen Carter of Elkmont, Alabama, for whom a copy of this resolution of sincere praise shall be provided.

On motion of Representative Carter, the rules were suspended and the resolution, H.J.R. 147, was adopted.

Also:

The following resolutions were introduced and distributed according to Joint Rule 11:

By Representative Dolbare:

H.R. 148. COMMENDING LAVON TURNER FOR OUTSTANDING SERVICE TO THE WASHINGTON COUNTY BOARD OF EDUCATION.

Also:

By Representative Dolbare:

H.R. 149. COMMENDING JANICE STRICKLAND GOLDMAN FOR OUTSTANDING SERVICE TO THE WASHINGTON COUNTY BOARD OF EDUCATION.

Also:

By Representative Dolbare:

H.R. 150. COMMENDING JACK ANDERSON COLEMAN FOR OUTSTANDING SERVICE TO THE WASHINGTON COUNTY BOARD OF EDUCATION.

Also:

By Representative Dolbare:

H.R. 151. COMMENDING JOHN MAXWELL WOOD FOR OUTSTANDING SERVICE TO THE WASHINGTON COUNTY BOARD OF EDUCATION.

Also:

The following resolutions were introduced:

By Representatives Smith (C), Turnham, Powell and Venable:

H.J.R. 152. COMMENDING AUBURN UNIVERSITY FACULTY MEMBERS DALE L. HUFFMAN, W. RUSSELL EGBERT, AND JOHN E. DUNKELBERGER; GRADUATE STUDENTS KYLE B. BULLOCK, CHIAO-MIN CHEN, KARLA KASABACK, MARTHA VEALE LIU, AND DOUGLAS SUMMERFORD; AND THE ALABAMA AGRICULTURAL EXPERIMENT STATION, THE COLLEGE OF AGRICULTURE, AND THE DEPARTMENT OF ANIMAL AND DAIRY SCIENCES.

WHEREAS, AU Lean ground beef was developed in research at Auburn University; and

WHEREAS, AU Lean is 91 percent fat free and has 40 percent fewer calories than traditional ground beef; and

WHEREAS, AU Lean's flavor and other sensory properties are equal to traditional ground beef; and

WHEREAS, AU Lean offers opportunities for significant health benefits to American diets; and

WHEREAS, AU Lean has been adopted for sale as the McLean Deluxe by McDonald's and is already being marketed in selected food chains in the United States; and

WHEREAS, AU Lean has received the stamp of approval from food editors of national and regional magazines and newspapers; and

WHEREAS, AU Lean is being evaluated for inclusion in the USDA National School Lunch Program and for sale at Disney World; and

WHEREAS, AU Lean offers the potential for expanded markets for Alabama-produced beef; and

WHEREAS, the National Livestock and Meat Board and the Alabama Cattlemen's Association recognized the expertise of Auburn University's meat science programs and assisted with funding of the Alabama Agricultural Experiment Station project that developed AU Lean; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we hereby most highly commend Auburn University faculty members Dale L. Huffman, W. Russell Egbert, and John E. Dunkelberger; graduate students Kyle B. Bullock, Chiao-Min Chen, Karla Kasaback, Martha Veale Liu, and Douglas Summerford; and the Alabama Agricultural Experiment Station, the College of Agriculture, and the Department of Animal and Dairy Sciences for outstanding achievement in the development of AU Lean, which has received national acclaim for its significant benefit to the health and well-being of the American public.

BE IT FURTHER RESOLVED, That in recognition of said accomplishment and in gratitude for the fame and honor it has brought to the State of Alabama, copies of this resolution shall be provided for presentation to the hereinabove named individuals and to the Alabama Agricultural Experiment Station, the College of Agriculture and the Department of Animal and Dairy Sciences of Auburn University.

On motion of Representative Smith (C), the rules were suspended and the resolution, H.J.R. 152, was adopted.

CO-SPONSOR REMOVED

At the request of Representative Smith (R), his name was removed as co-sponsor to the bill, H. 438.

RESOLUTIONS

The following resolution was introduced:

By Representatives Carothers, Mathis and Beasley:

H.J.R. 153. COMMENDING HOUSTON ACADEMY'S BASKETBALL TEAMS FOR OUTSTANDING ACHIEVEMENT.

WHEREAS, it is with heartiest congratulations that the Legislature of Alabama commends the Houston Academy Raiders and Lady Raiders on the spectacular success of the 1991 basketball season and their achievement in state competition; and

WHEREAS, under Coach Lowell Eudy, the Houston Academy Raiders posted an outstanding 20-13 record, overall, and in the Alabama High School Athletic

Association (AHSAA) State Playoffs, captured the State Class 1A Boys Basketball Championship; and

WHEREAS, the Lady Raiders, led to the State Playoffs and a fantastic 29-2 overall record by Coach Jeff Hale, were Runners-up to the State Title in the AHSAA Girls Basketball Competition; and

WHEREAS, the Champion Raiders, each of whom greatly contributed to the success of the 1991 season and the State 1A Title, are Victor Newman, Aaron Jones, Clay Adams, Curt Stuckey, Kyle Wise, Ray Hix, George Liddon, Charlie Parrish, Scott Walker, Billy Ernst and Clay Lowrey, along with team managers Neil Pratt, Jeremy Eudy and Jake McCord; and

WHEREAS, the talented Lady Raiders and Runners-up to the State Championship are Carlee Bevis, Kit Andrews, Elizabeth Rollins, Marianna Paredes, Amy Grace, Mary Beth Cobb, Amy Adams, Jaime Head, Valerie Rogers, Anna Armstrong, Ashley Maddox and Kaira King; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That in recognition of outstanding achievement, we hereby most heartily congratulate and commend the Houston Academy Raiders and Lady Raiders, coaches and staffs, and do further direct that copies of this resolution be provided to Headmaster John P. O'Connell, Jr., for the purpose of appropriate presentation and school display.

On motion of Representative Carothers, the rules were suspended and the resolution, H.J.R. 153, was adopted.

Also:

The following resolutions were introduced and distributed according to Joint Rule 11:

By Representative Flowers:

H.R. 154. CONGRATULATING MR. AND MRS. LAMAR BELCHER ON THE OCCASION OF THEIR 50TH WEDDING ANNIVERSARY.

Also:

By Representative Fuller:

H.R. 155. COMMENDING THE NURSES OF CHAMBERS COUNTY FOR DEDICATED SERVICE UPON OBSERVANCE OF NATIONAL NURSES WEEK 1991.

Also:

The following resolution was introduced:

By Representative McKee:

H.J.R. 156. COMMENDING SARA DAVENPORT OF MONTGOMERY FOR OUTSTANDING SERVICE TO THE ALABAMA TEXTILE MANUFACTURERS ASSOCIATION.

WHEREAS, Sara Davenport, who is retiring June 15, 1991, has been a dedicated employee of the Alabama Textile Manufacturers Association (ATMA) since August 1, 1947; and

WHEREAS, during this 43-year tenure, Sara Davenport has seen the association grow from only a few cotton textile manufacturing companies to 60 corporations representing all phases of the industry, including fiber, textile, apparel and associated manufacturers of textile products; and

WHEREAS, Sara Davenport, throughout her employment, has been in charge of communications with members of the association, the media and other publics; she also has been the meeting planner of ATMA, working with numerous hotels and speakers, as well as the association leadership, and, during several periods of time, served as interim vice president of the association and thereby spokesperson for the entire state textile industry; and

WHEREAS, further, during the course of her career, Sara Davenport has developed relationships with public officials at all levels of government, media personnel throughout the state, and with textile employees everywhere; and

WHEREAS, Sara Davenport has indeed rendered invaluable service to ATMA and its membership and, upon retirement, will be greatly missed; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we hereby most highly commend Sara Davenport of Montgomery, Alabama, for outstanding service to the Alabama Textile Manufacturers Association, 1947-1991, and direct that she receive a copy of this resolution, executed in sincere praise and regard, and with warm best wishes for every future success and happiness in retirement.

On motion of Representative McKee, the rules were suspended and the resolution, H.J.R. 156, was adopted.

MOTION TO SUSPEND RULES ADOPTED

On motion of Representative Campbell, the rules were suspended in order to bring up uncontested local bills on the Calendar.

BILLS ON THIRD READING

BUDGET ISOLATION RESOLUTION CARRIED OVER

On motion of Representative Curry, the Budget Isolation Resolution and the bill, H. 43, were temporarily carried over.

BUDGET ISOLATION RESOLUTION CARRIED OVER

On motion of Representative Curry, the Budget Isolation Resolution and the bill, H. 44, were temporarily carried over.

BUDGET ISOLATION RESOLUTION

On motion of Representative Curry, the Budget Isolation Resolution relating to the bill, H. 407, was adopted.

Yeas 37; Nays 0

Yea:

Mr. Speaker, Biddle, Bowling, Butler, Campbell, Carns, Carter, Cullins, Curry, Dolbare, Ford, Gaines, Gaston, Grayson, Gullatt, Hawkins, Higginbotham, Hill, Knight, McDaniel, McDowell, Melton, Morrow, Morton, Newman, Newton (D), Payne, Petelos, Richardson, Rockhold, Rogers (F), Sanderford, Sanderson, Smith (R), Spratt, Starkey and Turnham.

-37

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned, and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

And the bill:

H. 407. Relating to Jefferson County; amending Act No. 970, S. 378, 1961 Regular Session, as amended, which provides for the issuance of motor vehicle license plates by mail, so as to increase the fee for such issuance in counties having a population of 600,000 or more according to the last or any subsequent federal census.

was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 34; Nays 0.

Yea:

Mr. Speaker, Barnes, Biddle, Black (L), Blakeney, Bowling, Bryant, Carns, Cullins, Curry, Dolbare, Gaines, Gullatt, Haney, Hawkins, Higginbotham, Hill, Knight, McClain, McDaniel, McDowell, Morrow, Morton, Newton (D), Payne, Perdue, Petelos, Richardson, Rockhold, Rogers (F), Sanderson, Smith (R), Spratt and Turnham.

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PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned, and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

BUDGET ISOLATION RESOLUTION

On motion of Representative Newton (D), the Budget Isolation Resolution relating to the bill, H. 483, was adopted.

Yeas 43; Nays 0.

Yea:

Mr. Speaker, Black (L), Bryant, Buskey (JE), Buskey (JL), Carns, Carter, Cullins, Curry, Ford, Freeman, Gaines, Grayson, Hall, Haney, Hawkins, Haynes, Hill, Hogan, Johnson, Knight, McClain, McDaniel, McDowell, McKee, McMillan, Melton, Mikell, Morrow, Morton, Newman, Newton (C), Newton (D), Payne, Penry, Perdue, Petelos, Rogers (F), Rogers (J), Sanderford, Smith (R), Spratt and Turnham.

-43

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned, and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

And the bill:

H. 483. (With Amendment): Relating to the City of Birmingham in Jefferson County; to amend sections 3 and 7 of Act No. 105, H. 24, Third Special Session 1971, (Acts 1971, p. 4325), so as to provide further for the process of weed removal from private property by amending the notice requirements and making optional the collection of the special assessment by the county tax collector.

was taken up.

The question was then on the adoption of the amendment reported by the Standing Committee on Local Legislation No. 2, said committee amendment being as follows:

Amend H. 483 on Page 2, Section 3, line 20 after the word "least" by striking ~~fourteen-(14)~~ and adding twenty-one (21)

Further amend H. 483 on page 2 Section 3, line 25 after the word "than" by striking ~~fourteen-(14)~~ and adding twenty-one (21)

AMENDMENT ADOPTED

And the amendment was adopted.

Yeas 43; Nays 0.

Yea:

Mr. Speaker, Black (L), Bowling, Bryant, Buskey (JE), Buskey (JL), Butler, Cagle, Carns, Carter, Cullins, Curry, Ford, Freeman, Gaines, Grayson, Gullatt, Hall, Haney, Hawkins, Higginbotham, Hill, Hogan, Holladay, Holley, McClain, McDaniel, McDowell, McKee, Melton, Morrow, Morton, Newton (D), Payne, Perdue, Petelos, Rockhold, Rogers (J), Sanderson, Smith (R), Spratt, Starkey and Turnham.

-43

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned, and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

And the bill, H. 483, as amended, was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 46; Nays 0.

Yea:

Mr. Speaker, Black (L), Blakeney, Bowling, Bryant, Buskey (JL), Cagle, Campbell, Carns, Carter, Cullins, Curry, Ford, Freeman, Grayson, Gullatt, Hall, Haney, Higginbotham, Hill, Hogan, Knight, Layson, McDaniel, McDowell, McKee, McMillan, Melton, Mikell, Morrow, Morton, Newton (D), Payne, Penry, Perdue, Petelos, Powell, Rogers (F), Sanderford, Sanderson, Smith (C), Smith (R), Spratt, Starkey, Turnham and Venable.

-46

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned, and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

BUDGET ISOLATION RESOLUTION

On motion of Representative Sanderson, the Budget Isolation Resolution relating to the bill, H. 546, was adopted.

Yeas 53; Nays 0.

Yea:

Representatives Biddle, Black (L), Black (M), Bowling, Buskey (JE), Cagle, Carns, Carter, Cullins, Curry, Dolbare, Ford, Gaines, Gaston, Grayson, Gullatt, Haney, Hawkins, Haynes, Higginbotham, Hill, Hogan, Holladay, Holley, Johnson, Knight, Laird, McClain, McDowell, McKee, Melton, Millican, Morrow, Morton, Newman, Newton (C), Newton (D), Payne, Penry, Perdue, Petelos, Poole, Powell, Rich, Rogers (F), Rogers (J), Sanderson, Smith (R), Spratt, Starkey, Turnham, Willis and Zoghby.

-53

And the bill:

H. 546. (With Amendments): Relating to Jefferson County; to provide for the orderly and efficient collection of municipal business license taxes with respect to corporations, firms, brokers, agents and other engaged in the business of buying, selling, leasing, renting, managing or representing others in the purchase, sale or lease of real property; and providing for an effective date.

was taken up.

The question was then on the adoption of the amendment # 1 reported by the Standing Committee on Local Legislation No. 2, said committee amendment being as follows:

Amend H. 546 on page 1, line 15, by striking the word ~~other~~ and inserting the word others

AMENDMENT ADOPTED

And the amendment was adopted.

Yeas 60; Nays 0.

Yea:

Mr. Speaker, Biddle, Black (L), Black (M), Blakeney, Bowling, Bryant, Buskey (JE), Cagle, Carns, Carter, Clay, Cullins, Curry, Ford, Gaines, Gaston, Gullatt, Haney, Hawkins, Haynes, Higginbotham, Hill, Hogan, Holladay,

Holley, Johnson, Kennedy, Knight, Kvalheim, McClain, McDowell, McKee, Melton, Mikell, Morrow, Morton, Newman, Newton (C), Newton (D), Parker (P), Payne, Penry, Perdue, Petelos, Poole, Powell, Rich, Rockhold, Rogers (F), Rogers (J), Sanderson, Smith (C), Smith (R), Spratt, Starkey, Venable, Williams, Willis and Zoghby.

-60

The question was then on the adoption of the amendment # 2 reported by the Standing Committee on Local Legislation No. 2, said committee amendment being as follows:

Amend H. 546 on page 1, Section 1, line 25 by striking after the word "of" ~~twenty-one dollars and fifty cents (\$21.50)~~ and adding twenty-two dollars (\$22.00)

Further amend H. 546 on page 2, Section 3, lines 1 and 2 by striking after the word "subtracting" ~~one dollar and fifty cents (\$1.50)~~ and adding two dollars (\$2.00)

AMENDMENT ADOPTED

And the amendment was adopted.

Yeas 55; Nays 0.

Yea:

Mr. Speaker, Biddle, Black (L), Black (M), Blakeney, Bowling, Bryant, Buskey (JE), Cagle, Campbell, Carns, Carter, Clay, Crow, Cullins, Dolbare, Ford, Gaines, Gaston, Gullatt, Hawkins, Haynes, Higginbotham, Hill, Hogan, Holladay, Holley, Johnson, Kennedy, Knight, Kvalheim, Laird, McClain, McDowell, Melton, Mikell, Morrow, Morton, Newman, Newton (C), Newton (D), Parker (P), Payne, Perdue, Petelos, Poole, Rockhold, Rogers (F), Rogers (J), Sanderson, Smith (C), Smith (R), Spratt, Starkey and Zoghby.

-55

And the bill:

H. 546. Relating to Jefferson County; to provide for the orderly and efficient collection of municipal business license taxes with respect to corporations, firms, brokers, agents and others engaged in the business of buying, selling, leasing, renting, managing or representing others in the purchase, sale or lease of real property; and providing for an effective date.

as amended, was read a third time at length and passed, and ordered engrossed.

Yeas 48; Nays 0.

Yea:

Mr. Speaker, Biddle, Black (L), Black (M), Blakeney, Bowling, Bryant, Buskey (JE), Campbell, Carns, Carter, Cullins, Curry, Dolbare, Ford, Gaines, Gaston, Grayson, Gullatt, Haney, Higginbotham, Hill, Holladay, Holley, Kennedy, Knight, Kvalheim, Laird, McClain, McDowell, Melton, Mikell, Morrow, Morton, Newman, Newton (C), Newton (D), Payne, Perdue, Petelos, Rogers (F), Rogers (J), Sanderson, Smith (C), Smith (R), Spratt, Starkey and Walker.

-48

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned, and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

BUDGET ISOLATION RESOLUTION

On motion of Representative McDowell, the Budget Isolation Resolution relating to the bill, H. 547, was adopted.

Yeas 45; Nays 0.

Yea:

Mr. Speaker, Biddle, Black (L), Black (M), Bowling, Bryant, Buskey (JE), Butler, Campbell, Carns, Carter, Clay, Cullins, Curry, Ford, Freeman, Gaines, Grayson, Gullatt, Hall, Hawkins, Higginbotham, Holladay, Holley, Kennedy, Knight, Layson, McClain, McDowell, Melton, Morrow, Morton, Newton (D), Parker (P), Payne, Perdue, Petelos, Rogers (F), Rogers (J), Sanderson, Smith (C), Spratt, Starkey, Walker and Williams.

-45

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned, and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

And the bill:

H. 547. To propose an amendment to the Constitution of 1901, for Jefferson County, pursuant to Amendment No. 425 of the Constitution providing further for

license taxes on certain real estate operations and transactions; and to provide for implementation.

was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 66; Nays 0.

Yea:

Mr. Speaker, Beasley, Biddle, Black (L), Black (M), Blakeney, Bowling, Bryant, Buskey (JE), Buskey (JL), Butler, Campbell, Carns, Carothers, Carter, Clark (W), Clay, Cullins, Curry, Dolbare, Escott-Russell, Ford, Freeman, Gaines, Grayson, Gullatt, Hall, Hamilton, Hammett, Harper, Hawkins, Higginbotham, Holladay, Holley, Kennedy, Layson, Mathis, McClain, McDowell, McMillan, Melton, Mikell, Morrow, Morton, Newman, Newton (C), Newton (D), Parker (P), Parker (T), Payne, Penry, Perdue, Petelos, Powell, Rich, Rockhold, Rogers (F), Rogers (J), Sanderford, Sanderson, Smith (C), Spratt, Starkey, Turner, Venable and Williams.

-66

BUDGET ISOLATION RESOLUTION

On motion of Representative Newton (D), the Budget Isolation Resolution relating to the bill, H. 560, was adopted.

Yeas 50; Nays 0.

Yea:

Mr. Speaker, Beasley, Biddle, Black (L), Bowling, Bryant, Buskey (JE), Butler, Campbell, Carns, Carter, Clay, Cullins, Curry, Ford, Freeman, Gaines, Gullatt, Hall, Hamilton, Hammett, Hawkins, Higginbotham, Holladay, Holley, Layson, McClain, McDowell, McMillan, Melton, Mikell, Morrow, Morton, Newton (C), Newton (D), Parker (P), Payne, Perdue, Petelos, Powell, Rich, Rockhold, Rogers (F), Rogers (J), Sanderson, Spratt, Starkey, Venable, Williams and Zoghby.

-50

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned, and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

And the bill:

H. 560. To amend chapter 65 of Title 11 applicable to horse racing in Class I municipalities so as to authorize the mayor of the host city and the president or otherwise designated presiding officer of the county commission to appoint deputy racing commissioners having the qualifications of persons eligible to serve as appointed members of the commission, to serve at their pleasure as their deputies on the racing commission authorized by such chapter including, but not limited to, the power to vote at any meeting of the commission or any panel thereof in the absence of their respective appointing officer; to authorize the president or otherwise designated presiding officer of the host county commission, as an alternative, to appoint, for a term, another member of the host county commission to serve in the place of the said president or presiding officer of the host county commission during said term; and to specify the appointment and qualification procedures, the compensation of persons so appointed to serve as racing commission members or deputy members and the right of such persons to be reimbursed for expenses.

was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 48; Nays 1.

Yea:

Mr. Speaker, Biddle, Black (L), Bowling, Bryant, Buskey (JE), Butler, Carns, Carter, Cullins, Curry, Ford, Freeman, Gaines, Gaston, Gullatt, Hall, Hamilton, Harper, Hawkins, Higginbotham, Hill, Holladay, Holley, Johnson, Kennedy, Kvalheim, Layson, McClain, McDowell, McMillan, Melton, Mikell, Morrow, Morton, Newman, Newton (D), Payne, Perdue, Petelos, Poole, Rich, Richardson, Rogers (J), Sanderson, Spratt, Starkey and Williams.

-48

Nay:

Representative Rogers (F).

- 1

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned, and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

BUDGET ISOLATION RESOLUTION

On motion of Representative Petelos, the Budget Isolation Resolution relating to the bill, H. 526, was adopted.

Yeas 55; Nays 0.

Yea:

Mr. Speaker, Beasley, Biddle, Black (M), Blakeney, Bowling, Buskey (JE), Butler, Carns, Carter, Clay, Cullins, Curry, Ford, Freeman, Gaines, Grayson, Gullatt, Hall, Hamilton, Haney, Harper, Hawkins, Higginbotham, Hill, Holladay, Holley, Kennedy, Knight, Kvalheim, Laird, McClain, McDowell, Melton, Mikell, Millican, Morrow, Morton, Newman, Newton (C), Newton (D), Payne, Perdue, Petelos, Powell, Rich, Richardson, Rockhold, Rogers (J), Sanderson, Smith (C), Smith (R), Spratt, Starkey and Zoghby.

-55

And the bill:

H. 526. Relating to Jefferson County; to provide that the Jefferson County commission shall have authority to remove or demolish buildings and structures, or parts thereof, when the same are found by the county commission to be unsafe to the extent of being a public nuisance; to provide for a hearing by the county commission if requested; to authorize that the cost of such demolition shall constitute a special assessment against the lot or lots, parcel or parcels whereon the building or structure was located and that such assessment to constitute a lien on said property; to provide methods of collecting such assessments; and to authorize the tax collector to collect such assessments.

was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 54; Nays 0.

Yea:

Mr. Speaker, Beasley, Black (M), Bowling, Buskey (JE), Butler, Carns, Carter, Cullins, Curry, Dolbare, Ford, Gaines, Gaston, Grayson, Gullatt, Hammett, Haney, Hawkins, Haynes, Hill, Holladay, Holley, Johnson, Kennedy, Knight, Kvalheim, Laird, McClain, McDowell, McMillan, Melton, Mikell, Morrow, Morton, Newman, Newton (C), Newton (D), Payne, Perdue, Petelos, Poole, Powell, Richardson, Rockhold, Rogers (F), Rogers (J), Sanderson, Smith (C), Smith (R), Spratt, Starkey, Venable and Zoghby.

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BUDGET ISOLATION RESOLUTION

On motion of Representative Hall, the Budget Isolation Resolution relating to the bill, H. 567, was adopted.

Yeas 53; Nays 0.

Yea:

Mr. Speaker, Beasley, Biddle, Black (L), Black (M), Blakeney, Bowling, Bryant, Butler, Carns, Carothers, Carter, Cullins, Curry, Dolbare, Ford, Freeman, Gaines, Gullatt, Hall, Hamilton, Haney, Hawkins, Haynes, Higginbotham, Hill, Holladay, Holley, Johnson, Knight, Laird, McDaniel, McKee, McMillan, Melton, Millican, Morrow, Morton, Newman, Newton (C), Payne, Petelos, Poole, Powell, Rich, Rogers (F), Sanderford, Sanderson, Smith (C), Smith (R), Spratt, Starkey and Walker.

-53

And the bill:

H. 567. Relating to Madison County; to provide for the election of the county superintendent of education at the expiration of the present tenure of office; to provide who may participate in said election; to provide for the election procedure; to provide for an interim appointment of the county superintendent of education in certain instances; to provide for the term of office and the method of filling vacancies; to provide for the qualifications and duties of said office and to provide for the compensation paid to the county superintendent of education.

was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 39; Nays 0

Yea:

Mr. Speaker, Beasley, Biddle, Black (L), Black (M), Blakeney, Bowling, Butler, Carns, Carter, Clay, Cullins, Curry, Ford, Freeman, Gaines, Hall, Haney, Higginbotham, Hill, Holladay, Kvalheim, Layson, McDaniel, McKee, Morrow, Morton, Newman, Newton (C), Payne, Powell, Richardson, Sanderford, Sanderson, Smith (C), Smith (R), Spratt, Starkey and Williams.

-39

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned, and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

BUDGET ISOLATION RESOLUTION

On motion of Representative Freeman, the Budget Isolation Resolution relating to the bill, H. 571, was adopted.

Yeas 48; Nays 0.

Yea:

Mr. Speaker, Biddle, Black (L), Butler, Carns, Carter, Cullins, Curry, Ford, Freeman, Gaines, Gaston, Grayson, Gullatt, Hall, Hamilton, Hammett, Haney, Hawkins, Higginbotham, Hill, Holladay, Holley, Knight, Kvalheim, Layson, McDaniel, McKee, McMillan, Melton, Morrow, Morton, Newman, Payne, Perdue, Petelos, Powell, Rich, Richardson, Rogers (F), Sanderford, Sanderson, Smith (C), Smith (R), Spratt, Walker, Williams and Zoghby.

-48

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned, and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

And the bill:

H. 571. To alter, extend, rearrange and redefine the boundaries and corporate limits of the City of Huntsville in Madison County so as to exclude certain territory from the city.

was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 56; Nays 1.

Yea:

Mr. Speaker, Biddle, Black (L), Bowling, Bryant, Butler, Cagle, Campbell, Carns, Carter, Cullins, Curry, Flowers, Ford, Freeman, Gaines, Gaston, Grayson, Gullatt, Hall, Hamilton, Hammett, Haney, Harper, Hawkins, Higginbotham, Hill, Hogan, Holladay, Johnson, Knight, Kvalheim, Layson, McDaniel, McKee, Melton, Morrow, Morton, Newman, Payne, Penry, Petelos, Powell, Rich, Richardson, Rockhold, Sanderson, Smith (C), Smith (R), Spratt, Starkey, Turner, Venable, Walker, Williams and Zoghby.

-56

Nay:

Representative Sanderford.

- 1

BUDGET ISOLATION RESOLUTION

On motion of Representative Melton, the Budget Isolation Resolution relating

to the bill, H. 524, was adopted.

Yeas 45; Nays 0.

Yea:

Mr. Speaker, Anderson, Biddle, Black (L), Blakeney, Bryant, Butler, Carns, Carter, Clay, Cullins, Curry, Ford, Freeman, Gaston, Gullatt, Hall, Hamilton, Hammett, Harper, Hawkins, Higginbotham, Holladay, Knight, Kvalheim, Laird, Layson, McKee, Melton, Mikell, Morrow, Morton, Newman, Newton (D), Payne, Penry, Perdue, Powell, Rich, Smith (R), Spratt, Turner, Venable, Williams and Zoghby.

-45

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned, and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

And the bill:

H. 524. Relating to Tuscaloosa County; abolishing the office of constable.

was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 50; Nays 0.

Yea:

Mr. Speaker, Beasley, Biddle, Black (L), Blakeney, Bryant, Buskey (JL), Butler, Carns, Carter, Curry, Dolbare, Ford, Freeman, Gaines, Gaston, Gullatt, Hall, Hamilton, Haney, Harper, Hawkins, Higginbotham, Hill, Holladay, Holley, Johnson, Knight, Kvalheim, Layson, McDaniel, McKee, McMillan, Melton, Morrow, Morton, Newton (D), Parker (T), Payne, Penry, Perdue, Powell, Rich, Richardson, Sanderson, Smith (R), Spratt, Turner, White and Williams.

-50

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned, and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

BUDGET ISOLATION RESOLUTION

On motion of Representative Melton, the Budget Isolation Resolution relating to the bill, H. 454, was adopted.

Yeas 51; Nays 0.

Yea:

Mr. Speaker, Anderson, Beasley, Biddle, Black (L), Blakeney, Bowling, Butler, Carns, Carter, Cullins, Curry, Dolbare, Flowers, Ford, Freeman, Gaines, Gullatt, Hall, Hammett, Harper, Hawkins, Higginbotham, Hill, Holladay, Holley, Johnson, Knight, Kvalheim, Layson, McKee, McMillan, Melton, Morrow, Morton, Newman, Newton (C), Newton (D), Payne, Penry, Perdue, Richardson, Sanderson, Smith (C), Spratt, Starkey, Venable, Walker, White, Williams and Willis.

-51

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned, and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

And the bill:

H. 454. Relating to the office of chief deputy sheriff in Tuscaloosa County; to provide that such office shall be an office in the unclassified service of the county; to prescribe the compensation of the chief deputy and provide for the payment thereof; and to authorize the sheriff of Tuscaloosa County to appoint the chief deputy sheriff.

was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 39; Nays 0.

Yea:

Mr. Speaker, Bowling, Cagle, Carter, Cullins, Curry, Dolbare, Ford, Freeman, Gaines, Gaston, Hall, Hamilton, Hammett, Hawkins, Higginbotham, Hill, Hogan, Knight, Kvalheim, Melton, Morrow, Morton, Newton (C), Newton (D), Parker (P), Parker (T), Perdue, Powell, Rich, Rockhold, Sanderson, Smith (C), Smith (R), Spratt, Starkey, Venable, Willis and Zoghby.

-39

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned, and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

RESOLUTIONS

The following resolutions were introduced:

By Representatives Buskey (JL) and Holmes:

H.J.R. 157. MOURNING THE DEATH OF HENRY WALTERS OF LEGRAND, ALABAMA.

WHEREAS, it is with deep sorrow and regret that the Legislature of Alabama records the lamentable death of Deacon Henry "Bo" Walters of LeGrand, Alabama, on January 27, 1991, at the age of 76 years; and

WHEREAS, born April 14, 1914, to the late Jessie and Callie Walters of LeGrand, Deacon Walters was a faithful member of Jerusalem Baptist Church where he was ordained a deacon in 1947 under the late Reverend L. C. White, Pastor; and

WHEREAS, Deacon Walters, a distinguished veteran of World War II, was a member of Provo Beauty Lodge No. 396 (Bro. Iris Bell, W.M.), Farmers Helping Hand No. 1, Sons and Daughters of Cornelius No. 1, and also of Jerusalem Christian Burial; and

WHEREAS, the death of Deacon Henry "Bo" Walters has indeed left an unfathomable void in the life of his church and community, and in the hearts of his loving family whose lives he touched with care and understanding; he was a kind and gentle man who is eulogized by his grandchildren as "a tower of strength" and a molding force in their lives; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That even as we mourn his death, we give thanks for the life and Christian service of Deacon Henry "Bo" Walters of LeGrand, Alabama, and do further extend heartfelt sympathy to his wife, Mrs. Dorothy L. Walters; daughters, Mrs. Juanita Floyd, Mrs. Joan Wright, Mrs. Minnie Morrison and Mrs. Lula Strickland; to his devoted granddaughter, Mashellda Moore, one of seventeen grandchildren; twenty-two great grandchildren; and to other family members, whose sorrow we sincerely share and for whom copies of this resolution shall be provided.

On motion of Representative Buskey (JL), the rules were suspended and the resolution, H.J.R. 157, was adopted.

Also:

By Rules Committee:

H.R. 158. BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES; That immediately upon the adoption of this resolution, the following business, in the order set forth below, shall be the special and paramount order of business for the 8th legislative day, Thursday, May 9, 1991, taking precedence over the regular order of business, or any pending or unfinished business:

Unfinished business

And the following bills:

Inst Id	Page
<u>H. 389</u> - By Campbell	37
Legislative committee on reapportionment, membership at-large incr., Sec. 29-2-51 am'd.	
<u>H. 101</u> - By Campbell	17
House committees membership limited to 15, repealed, Sec. 29-1-18 repealed	
<u>H. 120</u> - By Higginbotham	20
Automobile dealers, licensing of alt., Secs. 40-1-33, 40-12-390, 40-12-391, 40-12-392, 40-12-394, 40-12-396, 40-12-398, 40-12-414 am'd.; Sec. 40-12-52 repealed	
<u>H. 121</u> - By Higginbotham (As Substituted)	16
State treasurer, limited deposit plan extended and to incl. emergency interim loans, Secs. 5-21-2 through 5-21-4, 5-21-11 am'd.	
<u>H. 330</u> - By Holley (As Amended)	26
Watershed management authorities, estab., authority, procedure, powers, bd. of dirs., auth. to issue bonds, approp.	
<u>H. 197</u> - By Powell	2
Soil classifiers, licensing of, qualifications alt., Sec. 34-32-9 am'd.	
<u>H. 505</u> - By Haynes	67

REGULAR SESSION
8th Day

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Birds, baiting of cert., prohib., cert. migratory birds excepted, Sec. 9-11-244 am'd.

H. 282 - By Harper 50

Farmers Mkt. Authority, authorize grants for benefit of agriculture economics, Sec. 2-5-14 am'd.

H. 419 - By Lindsey 54

Farmers' Market Authority, Approp.

H. 66 - By Butler 46

Military leave, benefits extended beyond 21-day period, Sec. 31-2-13 am'd.

H. 135 - By Flowers (As Substituted) 63

Legal holidays, observance of provided further. Personal leave days in lieu of certain holidays, Sec. 1-3-8 am'd.

H. 325 - By Haynes 25

District attys., employees exempt from st. merit system, Secs. 12-17-220, 36-26-10 am'd.

H. 396 - By Penry 80

Class 2 through 8 muns., auth. to estab. council-manager or mayor-council form of gov't., boundaries permanently set, dists., terms, powers, duties, officers

H. 354 - By Hill 15

Excise tax, oil and gas, city and co. boards of education, youth services dept. and Ala. Inst. for Deaf and Blind, exempted, Secs. 40-17-31, 40-17-171 amend

H. 411 - By Hooper (As Amended) 40

One-call notification system provided for before excavation or demolition activities damage underground facilities

H. 356 - By McDaniel 57

Employees in regional and local legislative delegation offices, auth. to participate in employees' retirement system

H. 36 - By McDaniel 85

Goodwill Industries, Inc., Goodwill Industries of Mobile, Goodwill Industries of Central Ala., Inc., tax exemption, Sec. 40-9-12 am'd.

H. 149 - By Freeman 4

Colleges of medicine located outside U. S., evaluation of, licensing of graduates, alt., Secs. 34-24-80, 34-24-83 am'd.

H. 74 - By Fuller 48

Traffic violation penalties, incr., distrib. alt., Sec. 32-5-313 am'd.

H. 352 - By Buskey (JE) 37

Elections, number of paper ballots provided, Sec. 17-8-25 am'd.

H. 21 - By Buskey (JL) 53

State property, trade-in value to be credit against purchase price, Sec. 41-16-24 am'd.

H. 428 - By Clark (W) 82

Class 5 muns., council vote to override veto of mayor alt., Sec. 11-43C-52 am'd.

H. 429 - By Clark (W) 82

Class 5 muns., mayor-council, council auth. to appt. cert. employees, Sec. 11-43C-21 am'd.

H. 77 - By Newman 34

Farmer's Market Authority, administrator auth. to employ secretary within or without merit system, Sec. 2-5-4 am'd.

H. 72 - By Hawkins 4

Seat belts, cert. passengers in motor vehicles req. to wear, exemptions, penalty

H. 305 - By Smith (C) 52

Judicial circuits, new judgeship in nineteenth judicial circuit, qualification est.

On motion of Representative Carter, the resolution, H.R. 158, was adopted.

MOTION TO RECONSIDER ADOPTED

Having voted on the prevailing side, Representative Parker (P) offered the motion to reconsider the vote by which the bill, H. 454, was passed, and the motion to reconsider was adopted.

And the bill, H. 454, was again read at length and passed.

Yeas 37; Nays 0.

Yea:

Mr. Speaker, Anderson, Beasley, Black (L), Bowling, Bryant, Butler, Carns, Cullins, Curry, Dolbare, Freeman, Gaines, Hall, Hammett, Harper, Hill, Holladay, Knight, Layson, McMillan, Melton, Morton, Newman, Parker (P), Parker (T), Payne, Penry, Powell, Rockhold, Sanderson, Spratt, Starkey, Venable, White, Williams and Willis.

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PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned, and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and passed the following engrossed Senate Bill and sends same herewith to the House:

By Senator Bennett:

S. 29. To establish the Alabama legislative compensation commission, its membership, expenses, powers and duties; and to provide that the commission's recommendations to the legislature for expense allowance shall be introduced by the fifth legislative day of the third regular session of the quadrennium.

MCDOWELL LEE
Secretary

SENATE MESSAGE

The Senate Bill, the title of which is set out in the foregoing Message from the Senate, was read one time and referred to the appropriate Standing Committee as follows:

S. 29. Judiciary.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has concurred in and adopted the following House Joint Resolutions and returns same herewith to the House:

H.J.R. 143. COMMENDING DENNIS P. OWENS OF BIRMINGHAM, ALABAMA, FOR DISTINGUISHED SERVICE IN THE PERSIAN GULF.

Also:

H.J.R. 144. COMMENDING WALTER WILLIAMS OF BIRMINGHAM, ALABAMA, FOR DISTINGUISHED SERVICE IN THE PERSIAN GULF.

Also:

H.J.R. 145. COMMENDING WILLIE COLEMAN OF BIRMINGHAM, ALABAMA, FOR DISTINGUISHED SERVICE IN THE PERSIAN GULF.

Also:

H.J.R. 147. COMMENDING HELEN CARTER, ATHENS-LIMESTONE COUNTY CHAMBER OF COMMERCE CITIZEN OF THE YEAR.

MCDOWELL LEE
Secretary

SPECIAL ORDER CALENDAR

The House then proceeded with the consideration of the Special Order Calendar.

BUDGET ISOLATION RESOLUTION

On motion of Representative Carothers, the Budget Isolation Resolution relating to the bill, H. 289, was adopted.

Yeas 56; Nays 5.

Yea:

Mr. Speaker, Anderson, Beasley, Biddle, Bowling, Box, Bugg, Cagle, Campbell, Carothers, Carter, Cosby, Crow, Ford, Freeman, Gaines, Gaston,

Gullatt, Hall, Hammett, Haynes, Higginbotham, Hill, Hogan, Holladay, Holley, Johnson, Knight, Kvalheim, Laird, Layson, Lindsey, Mathis, McKee, Millican, Morrow, Morton, Newman, Parker (T), Payne, Penry, Petelos, Powell, Rogers (F), Sanderford, Sanderson, Smith (C), Spratt, Thomas, Turner, Venable, Walker, Warren, White, Williams and Willis.

-56

Nay:

Representatives Black (L), Bryant, Buskey (JE), Escott-Russell and Grayson.

- 5

S. 79 SUBSTITUTED FOR H. 289

On motion of Representative Carothers, the bill, S. 79, was substituted for H. 289.

**REPORT OF THE STANDING COMMITTEE
ON RULES ON ENROLLED AND ENGROSSED BILLS**

Mr. Speaker:

Your Standing Committee on Rules begs leave to report that said committee, in session, has compared the following engrossed bill with the original bill and finds same correctly engrossed, to-wit:

H. 546. Relating to Jefferson County; to provide for the orderly and efficient collection of municipal business license taxes with respect to corporations, firms, brokers, agents and others engaged in the business of buying, selling, leasing, renting, managing or representing others in the purchase, sale or lease of real property; and providing for an effective date.

TOMMY CARTER
Chairman

And the bill, H. 546, as engrossed, was ordered sent to the Senate.

SPECIAL ORDER CALENDAR RESUMED

BUDGET ISOLATION RESOLUTION

On motion of Representative Carothers, the Budget Isolation Resolution relating to the bill, S. 79, was adopted.

Yeas 65; Nays 6.

Yea:

Mr. Speaker, Anderson, Beasley, Biddle, Black (M), Bowling, Box, Bugg, Cagle, Campbell, Carns, Carothers, Cosby, Crow, Cullins, Flowers, Freeman, Gaines, Gaston, Gullatt, Hall, Hamilton, Hammett, Haney, Harper, Hawkins, Haynes, Higginbotham, Hill, Hogan, Holladay, Holley, Johnson, Knight, Kvalheim, Laird, Layson, Mathis, McDaniel, McKee, McMillan, Millican, Morrow, Morton, Parker (T), Payne, Penry, Petelos, Powell, Rich, Rockhold, Rogers (F), Sanderford, Sanderson, Smith (R), Starkey, Thomas, Turner, Venable, Walker, Warren, White, Williams, Willis and Zoghby.

-65

Nay:

Representatives Black (L), Bryant, Buskey (JE), Escott-Russell, Grayson and Spratt.

- 6

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has concurred in and adopted the following House Joint Resolution and returns same herewith to the House:

H.J.R. 156. COMMENDING SARA DAVENPORT OF MONTGOMERY FOR OUTSTANDING SERVICE TO THE ALABAMA TEXTILE MANUFACTURERS ASSOCIATION.

**MCDOWELL LEE
Secretary**

REPORT OF THE STANDING COMMITTEE ON RULES ON ENROLLED AND ENGROSSED BILLS

Mr. Speaker:

Your Standing Committee on Rules begs leave to report that it has examined the following House Joint Resolutions, to-wit:

H.J.R. 143. COMMENDING DENNIS P. OWENS OF BIRMINGHAM, ALABAMA, FOR DISTINGUISHED SERVICE IN THE PERSIAN GULF.

Also:

H.J.R. 144. COMMENDING WALTER WILLIAMS OF BIRMINGHAM, ALABAMA, FOR DISTINGUISHED SERVICE IN THE PERSIAN GULF.

Also:

H.J.R. 145. COMMENDING WILLIE COLEMAN OF BIRMINGHAM, ALABAMA, FOR DISTINGUISHED SERVICE IN THE PERSIAN GULF.

Also:

H.J.R. 147. COMMENDING HELEN CARTER, ATHENS-LIMESTONE COUNTY CHAMBER OF COMMERCE CITIZEN OF THE YEAR.

And finds same correctly enrolled.

TOMMY CARTER
Chairman

SIGNING OF HOUSE JOINT RESOLUTIONS

The Speaker of the House, in the presence of the House, immediately after the titles had been publicly read by the Clerk, the reading at length having been dispensed with by a two-thirds vote of a quorum present, signed the House Joint Resolutions, the titles of which are set out in the foregoing Report of the Standing Committee on Rules.

REPORT OF THE STANDING COMMITTEE ON RULES ON ENROLLED AND ENGROSSED BILLS

Mr. Speaker:

Your Standing Committee on Rules begs leave to report that it has examined the following House Joint Resolution, to-wit:

H.J.R. 156. COMMENDING SARA DAVENPORT OF MONTGOMERY FOR OUTSTANDING SERVICE TO THE ALABAMA TEXTILE MANUFACTURERS ASSOCIATION.

And finds same correctly enrolled.

TOMMY CARTER
Chairman

SIGNING OF HOUSE JOINT RESOLUTION

The Speaker of the House, in the presence of the House, immediately after

the title had been publicly read by the Clerk, the reading at length having been dispensed with by a two-thirds vote of a quorum present, signed the House Joint Resolution, the title of which is set out in the foregoing Report of the Standing Committee on Rules.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has concurred in and adopted the following House Joint Resolution and returns same herewith to the House:

H.J.R. 157. MOURNING THE DEATH OF HENRY WALTERS OF
LEGRAND, ALABAMA.

MCDOWELL LEE
Secretary

S. 79 TAKEN UP

And the bill:

S. 79. To establish the requirements for informed consent for HIV testing; to provide that informed consent shall be implied under certain stated factual circumstances; to provide for counseling, referral to appropriate health care services, and explanation of individual responsibility shall be provided to any individual testing positive for HIV; and to provide for the confidentiality of HIV test results.

was taken up.

AMENDMENT OFFERED

Representative Escott-Russell offered the following amendment to the bill, S. 79:

Amend S. 79 on page 1, Section 2, line 40 by adding after the word form the following: should be

And on page 1, section 2, line 42 by adding after the word "means" the following word: "and"

AMENDMENT ADOPTED

And the amendment was adopted.

Yeas 86; Nays 0.

Yea:

Mr. Speaker, Anderson, Beasley, Biddle, Black (L), Black (M), Bowling, Box, Bryant, Bugg, Burke, Buskey (JE), Buskey (JL), Butler, Cagle, Campbell, Carothers, Carter, Clark (W), Cosby, Crow, Cullins, Dolbare, Drake, Escott-Russell, Flowers, Ford, Freeman, Fuller, Gaines, Gaston, Gullatt, Hall, Hammett, Haney, Harvey, Hawkins, Haynes, Higginbotham, Hill, Hogan, Holladay, Holley, Holmes, Johnson, Kennedy, Knight, Kvalheim, Laird, Layson, Mathis, McClain, McDaniel, McDowell, McKee, Mikell, Millican, Morrow, Morton, Newman, Newton (C), Newton (D), Parker (P), Parker (T), Payne, Penry, Perdue, Petelos, Powell, Richardson, Rockhold, Rogers (F), Rogers (J), Sanderford, Sanderson, Smith (C), Smith (R), Spratt, Starkey, Turnham, Venable, Warren, White, Williams, Willis and Zoghby.

-86

And the bill, S. 79, as amended, was read a third time at length and passed.

Yeas 83; Nays 4.

Yea:

Mr. Speaker, Anderson, Beasley, Biddle, Black (M), Bowling, Box, Bryant, Bugg, Burke, Buskey (JL), Butler, Cagle, Campbell, Carns, Carothers, Carter, Cosby, Crow, Cullins, Curry, Dolbare, Drake, Escott-Russell, Flowers, Ford, Freeman, Fuller, Gaines, Gaston, Gullatt, Hall, Hamilton, Hammett, Haney, Harvey, Hawkins, Haynes, Higginbotham, Hill, Hogan, Holladay, Holley, Holmes, Johnson, Knight, Kvalheim, Laird, Layson, Mathis, McClain, McDaniel, McKee, McMillan, Mikell, Millican, Morrow, Morton, Newman, Newton (C), Parker (P), Parker (T), Payne, Penry, Petelos, Powell, Rich, Richardson, Rockhold, Rogers (F), Sanderford, Sanderson, Smith (C), Smith (R), Spratt, Starkey, Turner, Venable, Warren, White, Williams, Willis and Zoghby.

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Nay:

Representatives Black (L), Grayson, Newton (D) and Rogers (J).

- 4

PERMISSION GRANTED

Permission was granted for the Journal to reflect that Representative McDowell intended to vote "Yea" on passage of the bill, S. 79.

BUDGET ISOLATION RESOLUTION CARRIED OVER

On motion of Representative Campbell, the Budget Isolation Resolution and the bill, H. 389, were temporarily carried over.

BUDGET ISOLATION RESOLUTION CARRIED OVER

On motion of Representative Campbell, the Budget Isolation Resolution and the bill, H. 101, were temporarily carried over.

MESSAGE FROM THE SENATE

Mr. Speaker:

The President and Presiding Officer of the Senate having signed the following Senate Joint Resolutions, your signature thereto is requested:

S.J.R. 59. REQUESTING THE FINANCE DEPARTMENT TO REPLACE THE ELEVATORS LOCATED IN THE EAST WING OF THE ALABAMA STATE HOUSE.

Also:

S.J.R. 61. COMMENDING HENRY EUGENE ERWIN OF LEEDS, ALABAMA, RECIPIENT OF THE MEDAL OF HONOR.

Also:

S.J.R. 62. COMMENDING SHELLIE PHILLIPS OF BESSEMER, ALABAMA, A DISTINGUISHED PATRIOT AND VETERAN OF WORLD WAR I.

MCDOWELL LEE
Secretary

SIGNING OF SENATE JOINT RESOLUTIONS

The Speaker of the House, in the presence of the House, immediately after the titles had been publicly read by the Clerk, the reading at length having been dispensed with by a two-thirds vote of a quorum present, signed the Senate Joint Resolutions, the titles of which are set out in the foregoing Message from the Senate.

MESSAGE FROM THE SENATE

Mr. Speaker:

The President and Presiding Officer of the Senate having signed the

following Senate Bill, your signature thereto is requested:

S. 60. Relating to Limestone County and the regulation and operation of privately-owned or controlled regional landfills for solid waste so as to further provide for such solid waste landfill operation and location within the county; providing that any such regulation and restriction shall be cumulative to any other provisions of law, rule or regulation on solid waste; and requiring the Limestone County Commission to call for a referendum election on the question of location or acceptance of any privately-owned or controlled regional landfill within the county prior to such operation, location or acceptance; and providing severability and effective date.

**MCDOWELL LEE
Secretary**

SIGNING OF SENATE BILL

The Speaker of the House, in the presence of the House, immediately after the title had been publicly read by the Clerk, the reading at length having been dispensed with by a two-thirds vote of a quorum present, signed the Bill, the title of which is set out in the foregoing Message from the Senate.

RESOLUTION

The following resolution was introduced and distributed according to Joint Rule 11:

By Representative Spratt:

H.R. 159. COMMENDING DOROTHY LOVE COATES ON HER OUTSTANDING CAREER IN THE FIELD OF GOSPEL MUSIC.

**REPORT OF THE STANDING COMMITTEE
ON RULES ON ENROLLED AND ENGROSSED BILLS**

Mr. Speaker:

Your Standing Committee on Rules begs leave to report that it has examined the following House Joint Resolution, to-wit:

H.J.R. 157. MOURNING THE DEATH OF HENRY WALTERS OF LEGRAND, ALABAMA.

And finds same correctly enrolled.

**TOMMY CARTER
Chairman**

SIGNING OF HOUSE JOINT RESOLUTION

The Speaker of the House, in the presence of the House, immediately after the title had been publicly read by the Clerk, the reading at length having been dispensed with by a two-thirds vote of a quorum present, signed the House Joint Resolution, the title of which is set out in the foregoing Report of the Standing Committee on Rules.

SPECIAL ORDER CALENDAR RESUMED**BUDGET ISOLATION RESOLUTION**

On motion of Representative Higginbotham, the Budget Isolation Resolution relating to the bill, H. 120, was adopted.

Yeas 53; Nays 8.

Yea:

Mr. Speaker, Anderson, Beasley, Biddle, Bowling, Box, Bryant, Carns, Carothers, Cullins, Dolbare, Flowers, Freeman, Gaines, Gaston, Gullatt, Hammett, Haney, Harper, Harvey, Hawkins, Haynes, Higginbotham, Hill, Johnson, Kennedy, Knight, Kvalheim, Laird, Mathis, McDaniel, McKee, Mikell, Morrow, Morton, Newton (C), Parker (T), Payne, Penry, Petelos, Rich, Richardson, Rogers (F), Sanderford, Sanderson, Smith (C), Smith (R), Starkey, Thomas, Venable, Warren, White and Williams.

-53

Nay:

Representatives Black (M), Cagle, Crow, Hall, Hogan, Holley, Newman and Willis.

- 8

And the bill:

H. 120. To amend Sections 40-1-33, 40-12-390, 40-12-391, 40-12-392, 40-12-394, 40-12-396, 40-12-398 and 40-12-414, Code of Alabama 1975, relating to automotive vehicle dealers, so as to exclude certain license information from general confidentiality provisions, provide further for revocation and denial of licenses, define certain terms, provide further for requiring certain business licenses, increase the surety bonds, increase the penalty for noncompliance, authorize the revenue department to promulgate rules and regulations and to repeal Section 40-12-52, Code of Alabama 1975, which requires a privilege license for automobile salesmen.

was taken up.

AMENDMENT OFFERED

Representative Higginbotham offered the following amendment to the bill, H. 120:

Amend House Bill 120, page 4, by

(a) deleting the word "buying" on line 17 thereof,

(b) deleting the word "exchanging" on line 18 thereof,

(c) adding after the word "entitled" on line 21 thereof the following:

"(other than in connection with the rental or leasing of new motor vehicles by persons engaged in the business of motor vehicle rental and leasing)";

(d) adding, on page 5, line 1 thereof, immediately before the word "motor," the word "used"; and

(e) adding, on page 11, line 1 thereof, following the word "act," the following:

"and those other provisions of chapter 12 of Title 40, Code of Alabama 1975, relating to the licensing of automobile and other motor vehicle dealers".

AMENDMENT ADOPTED

And the amendment was adopted.

Yeas 61; Nays 3.

Yea:

Mr. Speaker, Beasley, Bowling, Box, Bryant, Burke, Butler, Carns, Carothers, Cosby, Crow, Cullins, Dolbare, Flowers, Ford, Freeman, Gaines, Gaston, Gullatt, Hammett, Haney, Harper, Harvey, Hawkins, Haynes, Higginbotham, Hill, Hogan, Holladay, Johnson, Kennedy, Knight, Kvalheim, Laird, Layson, Mathis, McDaniel, McDowell, McKee, Mikell, Morton, Newton (C), Parker (T), Payne, Penry, Petelos, Rich, Richardson, Rogers (F), Sanderford, Sanderson, Smith (C), Smith (R), Spratt, Starkey, Thomas, Turner, Venable, Warren, Williams and Willis.

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Nay:

Representatives Cagle, Morrow and Newman.

- 3

And the bill, H. 120, as amended, was read a third time at length and passed,

and ordered sent forthwith to the Senate without engrossment.

Yeas 55; Nays 14.

Yea:

Mr. Speaker, Beasley, Bowling, Box, Bryant, Butler, Carns, Carothers, Cosby, Cullins, Curry, Dolbare, Flowers, Gaines, Gaston, Gullatt, Hammett, Haney, Harper, Harvey, Hawkins, Haynes, Higginbotham, Hill, Holladay, Johnson, Kennedy, Knight, Kvalheim, Laird, Layson, Mathis, McDaniel, McDowell, McKee, Mikell, Morton, Newton (C), Parker (T), Payne, Penry, Petelos, Powell, Richardson, Rogers (F), Sanderford, Sanderson, Smith (R), Spratt, Starkey, Thomas, Turner, Venable, Warren and Williams.

-55

Nay:

Representatives Anderson, Black (L), Black (M), Cagle, Crow, Freeman, Hall, Hogan, Holley, Morrow, Newman, Smith (C), White and Willis.

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BUDGET ISOLATION RESOLUTION

On motion of Representative Higginbotham, the Budget Isolation Resolution relating to the bill, H. 121, was adopted.

Yeas 67; Nays 0.

Yea:

Mr. Speaker, Beasley, Biddle, Black (L), Black (M), Box, Bryant, Burke, Butler, Cagle, Carns, Carothers, Crow, Cullins, Dolbare, Escott-Russell, Flowers, Freeman, Fuller, Gaines, Gaston, Grayson, Gullatt, Hall, Hamilton, Hammett, Haney, Harper, Harvey, Hawkins, Haynes, Higginbotham, Hill, Hogan, Holladay, Holley, Johnson, Kennedy, Knight, Kvalheim, Layson, Mathis, McDaniel, McKee, McMillan, Morrow, Morton, Newman, Newton (C), Parker (P), Parker (T), Penry, Petelos, Powell, Rich, Rogers (F), Sanderford, Sanderson, Smith (C), Smith (R), Spratt, Thomas, Venable, Walker, White, Williams and Willis.

-67

And the bill:

H. 121. (With Substitute): Relating to the George Wallace, Jr., linked deposits plan pursuant to chapter 21, Title 5, Code of Alabama 1975; to amend Sections 5-21-2, 5-21-3, 5-21-4 and 5-21-11, Code of Alabama 1975, so as to expand the plan to include discretionary emergency interim deposits to support loans made for property loss due to natural or man-made disasters; to provide further for definitions and legislative intent; to authorize such emergency deposits

and define the term in interest rate of such deposits and to extend the plan to September 30, 1995.

was taken up.

The question was then on the adoption of the substitute reported by the Standing Committee on Judiciary, said committee substitute being as follows:

A BILL
TO BE ENTITLED
AN ACT

Relating to the George Wallace, Jr., linked deposits plan pursuant to chapter 21, Title 5, Code of Alabama 1975; to amend Sections 5-21-2, 5-21-3, 5-21-4 and 5-21-11, Code of Alabama 1975, so as to expand the plan to include discretionary emergency interim deposits to support loans made for property loss due to natural or man-made disasters; to provide further for definitions and legislative intent; to authorize such emergency deposits and define the term in interest rate of such deposits and to extend the plan to September 30, 1995.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

Section 1. Sections 5-21-2, 5-21-3, 5-21-4 and 5-21-11, Code of Alabama 1975, are hereby amended to read as follows:

"§5-21-2.

"The legislative purpose and intent of this chapter is to create a plan for emergency interim deposits as herein defined and for linked deposits in this state in which the state treasurer is authorized to deposit or invest a portion of the state's portfolio of investments with participating lending institutions in relatively low-yielding deposit accounts, certificates of deposit, or other authorized investments, where such institutions have made commitments to make available lower cost loans on the basis of these linked deposits for qualifying private farm and small business borrowers. The further legislative intent is that such lower cost loans will result in a significant contribution to the economic and agricultural growth and development of the state, and will assist in maintaining or improving business and agricultural profitability as well as preserving and creating jobs for Alabama citizens."

"§5-21-3.

"For purposes of this chapter, the following terms shall have the meaning hereinafter ascribed to them, unless the context clearly indicates otherwise:

"(1) PLAN. The Wallace plan for linked deposits, created in section 5-21-4 hereof.

"(2) TREASURER. The treasurer for the state of Alabama.

"(3) **LENDING INSTITUTION or ELIGIBLE LENDING INSTITUTION or LENDER.** All state banks, savings and loan associations, and any other lending institutions of this state which are or shall become a depository of state funds, which agree to participate in a linked deposit plan.

"(4) **LINKED DEPOSIT or LINKED DEPOSIT PLAN.** An agreement between the treasurer and an eligible lending institution whereby a deposit is placed with the institution at a rate of return which is up to three percent below the current market rate for such a deposit, as determined by the treasurer, provided the institution agrees to lend the equivalent value of such deposit to eligible agricultural and business operations at a correspondingly reduced rate of interest, as hereinafter provided.

"(5) **ELIGIBLE AGRICULTURAL OPERATION.** Any person, corporation, partnership, or other entity which is engaged in the production of agricultural, livestock, poultry, timber, dairy, or fruit or other horticultural products and which:

"a. derives at least 70 percent of its gross income from such production; and

"b. operates exclusively in Alabama.

"(6) **ELIGIBLE BUSINESS OPERATION.** Any person, proprietor, corporation, partnership or other entity which:

"a. is headquartered in Alabama;

"b. is organized for profit;

"c. maintains facilities exclusively in Alabama;

"d. has no more than 150 employees at the time it applies for a loan under the plan;

"e. for loans of \$250,000.00 or less, demonstrates to the lending institution that a significant number of jobs are sustained or created as a result of the loan; and

"f. for loans in excess of \$250,000.00, demonstrates to the lending institution that for each \$10,000.00 worth of loan proceeds approved, at least one new job is created within the state.

"(7) **EMERGENCY INTERIM DEPOSITS.** Deposits discretionarily made by the treasurer in support of loans made by eligible lending institutions to persons, businesses, organizations or local governments which have suffered loss, and which are located in areas in which property loss has occurred due to fire, flood, tornado, hurricane or other act of God or other natural or man-made disaster."

"§5-21-4.

"(a) The Wallace plan for linked and emergency interim deposits,

hereinafter referred to as 'the plan' is hereby created. The state treasurer is authorized, effective April 7, 1988, and until September 30, ~~1991~~ 1995, to use up to 12 percent of the total amount of investment funds of the state portfolio for the plan as linked deposits for eligible loans or for emergency interim deposits, as herein defined, made at the treasurer's discretion.

"(b) The term of any emergency interim deposit shall not exceed one year, and the deposit shall be made at a rate of return which is up to three percent below the current market rate for such a deposit, as determined by the treasurer, provided the institution agrees to lend the equivalent value of such deposit at a correspondingly reduced rate of interest."

"§5-21-11.

"The provisions of this chapter shall become effective April 7, 1988; and the provisions hereof shall terminate September 30, ~~1991~~ 1995, unless specifically continued by an act of the legislature."

Section 2. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

SUBSTITUTE ADOPTED

And the substitute was adopted.

Yeas 68; Nays 0.

Yea:

Mr. Speaker, Beasley, Black (M), Bowling, Box, Burke, Buskey (JL), Butler, Cagle, Carns, Carothers, Carter, Crow, Cullins, Dolbare, Flowers, Ford, Freeman, Fuller, Gaines, Gaston, Gullatt, Hall, Hamilton, Hammett, Haney, Harper, Hawkins, Haynes, Higginbotham, Hill, Hogan, Holladay, Holley, Johnson, Kennedy, Knight, Kvalheim, Laird, Layson, Mathis, McDaniel, McMillan, Mikell, Morrow, Morton, Newman, Newton (C), Parker (P), Parker (T), Penry, Petelos, Powell, Rich, Rogers (F), Sanderford, Sanderson, Smith (C), Smith (R), Starkey, Thomas, Turner, Venable, Walker, Warren, White, Williams and Willis.

-68

And the bill, H. 121, as amended, was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 75; Nays 0.

Yea:

Mr. Speaker, Beasley, Biddle, Black (L), Black (M), Bowling, Box, Bryant, Burke, Buskey (JL), Butler, Cagle, Carns, Carothers, Carter, Clay, Crow,

Cullins, Dolbare, Escott-Russell, Flowers, Ford, Freeman, Fuller, Gaines, Gaston, Gullatt, Hall, Hamilton, Hammett, Haney, Harper, Harvey, Hawkins, Haynes, Higginbotham, Hill, Hogan, Holladay, Holley, Johnson, Kennedy, Knight, Kvalheim, Laird, Layson, Mathis, McDaniel, McKee, McMillan, Mikell, Morrow, Morton, Newman, Newton (C), Parker (P), Parker (T), Payne, Petelos, Powell, Rich, Rogers (F), Sanderford, Sanderson, Smith (C), Smith (R), Starkey, Thomas, Turner, Venable, Walker, Warren, White, Williams and Willis.

-75

BUDGET ISOLATION RESOLUTION

On motion of Representative Holley, the Budget Isolation Resolution relating to the bill, H. 330, was adopted.

Yeas 71; Nays 0.

Yea:

Mr. Speaker, Beasley, Bowling, Box, Bryant, Burke, Butler, Cagle, Carns, Carothers, Carter, Crow, Cullins, Dolbare, Escott-Russell, Flowers, Ford, Freeman, Fuller, Gaines, Gaston, Grayson, Gullatt, Hall, Hammett, Haney, Harper, Hawkins, Haynes, Hill, Hogan, Holladay, Johnson, Kennedy, Knight, Kvalheim, Laird, Layson, Mathis, McClain, McDaniel, McKee, McMillan, Mikell, Morrow, Morton, Newman, Newton (C), Newton (D), Parker (P), Parker (T), Payne, Penry, Perdue, Petelos, Powell, Rich, Rockhold, Rogers (F), Sanderford, Sanderson, Smith (C), Smith (R), Starkey, Turner, Venable, Walker, Warren, White, Williams and Willis.

-71

And the bill:

H. 330. (With Amendments): To authorize the establishment of watershed management authorities; to express legislative intent; to define relevant terms; to specify the purposes of said authorities; to regulate the land which may be included in an authority; to provide the method for creating an authority; to provide for a hearing prior to creation; to create a board of directors to govern the authority and provide for the method of appointing or electing said board and their successors; to provide for the terms of office of board of directors members and the method of filling vacancies; to provide procedures for the operation of the board of directors; to provide for the reimbursement of expenses incurred by board members; to provide for the powers and duties of the board of directors; to authorize the issuance of bonds; to provide for the discontinuance of an authority and the assumption of assets; to provide for annual audits; to provide officers and employees of the authority shall be subject to the state code of ethics; to authorize full-time employees of the authority to join the employees' retirement system and receive health insurance and other benefits; to provide an authority shall be subject to competitive bid laws and to exempt an authority from certain taxes.

was taken up.

The question was then on the adoption of the amendment # 1 reported by the Standing Committee on Health, said committee amendment being as follows:

Amend H. 330 on Page 15, Section 13, beginning on line 1, by deleting subparagraph (10) in its entirety and renumbering the remaining succeeding subparagraphs.

AMENDMENT ADOPTED

And the amendment was adopted.

Yeas 69; Nays 0.

Yea:

Mr. Speaker, Anderson, Beasley, Black (L), Bowling, Box, Bryant, Burke, Buskey (JE), Butler, Cagle, Carns, Carothers, Carter, Clay, Cosby, Crow, Cullins, Dolbare, Flowers, Ford, Freeman, Fuller, Gaston, Gullatt, Hall, Hammett, Haney, Harper, Hawkins, Hill, Hogan, Holladay, Holley, Hooper, Kennedy, Knight, Kvalheim, Laird, Layson, Mathis, McClain, McDaniel, McKee, McMillan, Mikell, Morrow, Morton, Newman, Newton (C), Parker (P), Parker (T), Penry, Petelos, Powell, Rich, Rockhold, Sanderford, Smith (C), Smith (R), Starkey, Turner, Venable, Walker, Warren, White, Williams, Willis and Zoghby.

-69

The question was then on the adoption of the amendment # 2 reported by the Standing Committee on Health, said committee amendment being as follows:

Amend H. 330 on Page 4, Section 3, lines 21 and 22, after the words "flood control," by striking the words: ~~water pollution control, wildlife habitat protection, agricultural and timberland protection,~~

AMENDMENT ADOPTED

And the amendment was adopted.

Yeas 71; Nays 0.

Yea:

Mr. Speaker, Anderson, Beasley, Black (L), Bowling, Box, Bryant, Burke, Buskey (JE), Butler, Cagle, Carns, Carothers, Carter, Clay, Cosby, Crow, Dolbare, Flowers, Ford, Freeman, Fuller, Gaston, Grayson, Gullatt, Hall, Hammett, Haney, Harper, Hawkins, Haynes, Hill, Hogan, Holladay, Holley, Hooper, Johnson, Kennedy, Knight, Kvalheim, Laird, Layson, Mathis, McClain,

McDaniel, McKee, McMillan, Mikell, Morrow, Morton, Newman, Newton (C), Parker (P), Parker (T), Peery, Petelos, Powell, Rich, Rockhold, Sanderford, Sanderson, Smith (C), Smith (R), Starkey, Turner, Walker, Warren, White, Williams, Willis and Zoghby.

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The question was then on the adoption of the amendment # 3 reported by the Standing Committee on Health, said committee amendment being as follows:

Amend H. 330 on page 1, line 11, in the synopsis, after the word "authorities;" by striking the word ~~regulates~~ and inserting in lieu thereof the word defines

Further amend H. 330 in the title on page 2, line 8, after the word "to" by striking the word ~~regulate~~ and inserting in lieu thereof the word define

Further amend H. 330, Section 1, page 2, line 33, after the word "flooding" by striking the comma and inserting in lieu thereof the word and

Further amend H. 330, Section 1, page 2, line 33, after the word "erosion" by striking the words ~~and pollution~~

Further amend H. 330, Section 1, page 2, line 34, after the word "provide" by striking the words ~~a constant~~ and inserting in lieu thereof the words an adequate

Further amend H. 330, Section 1, page 3, line 2 after the first appearance of the word "control" by striking the comma and inserting in lieu thereof the word and

Further amend H. 330, Section 1, page 3, line 2 after the second appearance of the word "control" by striking the comma and inserting in lieu thereof a period.

Further amend H. 330, Section 1, page 3, lines 3 and 4 by striking the words ~~agricultural and timber land protection, and wildlife habitat protection.~~

AMENDMENT ADOPTED

And the amendment was adopted.

Yeas 70; Nays 0.

Yea:

Mr. Speaker, Anderson, Beasley, Black (L), Bowling, Box, Bryant, Burke, Buskey (JE), Butler, Cagle, Carns, Carothers, Carter, Clay, Cosby, Crow, Dolbare, Flowers, Ford, Freeman, Fuller, Gaston, Gullatt, Hall, Hammett, Haney, Harper, Hawkins, Haynes, Hill, Hogan, Holladay, Holley, Hooper, Johnson, Kennedy, Knight, Kvalheim, Laird, Layson, Mathis, McClain,

McDaniel, McKee, McMillan, Mikell, Millican, Morrow, Morton, Newman, Newton (C), Parker (P), Parker (T), Penry, Petelos, Powell, Rockhold, Sanderford, Sanderson, Smith (C), Smith (R), Starkey, Turner, Venable, Walker, Warren, White, Williams and Willis.

-70

The question was then on the adoption of the amendment # 4 reported by the Standing Committee on Health, said committee amendment being as follows:

Amend H. 330 on Page 4, Section 4, line 32, after the word "authority" by striking the period and inserting the following:

and provided further, that no lands or facilities which are subject to the licensing jurisdiction of the Federal Energy Regulatory Commission or the jurisdiction of the Alabama Public Service Commission to issue certificates of convenience and necessity shall be subject to the exercise of any powers or authorities granted herein.

AMENDMENT ADOPTED

And the amendment was adopted.

Yeas 71; Nays 0.

Yea:

Mr. Speaker, Anderson, Beasley, Black (L), Box, Bryant, Burke, Buskey (JE), Butler, Cagle, Carns, Carothers, Carter, Clay, Cosby, Crow, Dolbare, Flowers, Ford, Freeman, Fuller, Gaston, Gullatt, Hall, Hammett, Haney, Harper, Hawkins, Haynes, Hill, Hogan, Holladay, Holley, Hooper, Johnson, Kennedy, Knight, Kvalheim, Laird, Layson, Mathis, McClain, McDaniel, McKee, McMillan, Millican, Morrow, Morton, Newman, Newton (C), Parker (P), Parker (T), Penry, Petelos, Powell, Rich, Rockhold, Rogers (F), Sanderford, Sanderson, Smith (C), Smith (R), Starkey, Turner, Venable, Walker, Warren, White, Williams, Willis and Zoghby.

-71

And the bill:

H. 330. To authorize the establishment of watershed management authorities; to express legislative intent; to define relevant terms; to specify the purposes of said authorities; to define the land which may be included in an authority; to provide the method for creating an authority; to provide for a hearing prior to creation; to create a board of directors to govern the authority and provide for the method of appointing or electing said board and their successors; to provide for the terms of office of board of directors members and the method of filling vacancies; to provide procedures for the operation of the board of directors; to provide for the reimbursement of expenses incurred by

board members; to provide for the powers and duties of the board of directors; to authorize the issuance of bonds; to provide for the discontinuance of an authority and the assumption of assets; to provide for annual audits; to provide officers and employees of the authority shall be subject to the state code of ethics; to authorize full-time employees of the authority to join the employees' retirement system and receive health insurance and other benefits; to provide an authority shall be subject to competitive bid laws and to exempt an authority from certain taxes.

as amended, was read a third time at length and passed, and ordered engrossed.

Yeas 73; Nays 0.

Yea:

Mr. Speaker, Anderson, Beasley, Black (L), Bowling, Box, Bryant, Burke, Butler, Cagle, Carns, Carothers, Carter, Clay, Cosby, Crow, Dolbare, Flowers, Ford, Freeman, Gaines, Gaston, Grayson, Gullatt, Hall, Hammett, Haney, Harper, Hawkins, Haynes, Hill, Hogan, Holladay, Holley, Hooper, Johnson, Kennedy, Knight, Kvalheim, Laird, Layson, Mathis, McClain, McDaniel, McMillan, Mikell, Millican, Morrow, Morton, Newman, Newton (C), Parker (P), Parker (T), Penry, Petelos, Powell, Rich, Richardson, Rockhold, Rogers (F), Sanderford, Sanderson, Smith (C), Smith (R), Starkey, Turner, Venable, Walker, Warren, White, Williams, Willis and Zoghby.

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BUDGET ISOLATION RESOLUTION

On motion of Representative Powell, the Budget Isolation Resolution relating to the bill, H. 197, was adopted.

Yeas 63; Nays 0.

Yea:

Mr. Speaker, Anderson, Black (M), Box, Bryant, Buskey (JE), Cagle, Carns, Carothers, Carter, Clay, Cosby, Crow, Dolbare, Flowers, Ford, Freeman, Fuller, Gaston, Grayson, Gullatt, Hall, Hamilton, Haney, Harper, Hawkins, Haynes, Hill, Hogan, Holladay, Holley, Johnson, Kennedy, Knight, Kvalheim, Laird, Layson, Mathis, McDaniel, McMillan, Mikell, Millican, Morrow, Morton, Newman, Parker (P), Parker (T), Penry, Powell, Rich, Rockhold, Rogers (F), Sanderford, Smith (C), Smith (R), Starkey, Turner, Venable, Warren, White, Williams, Willis and Zoghby.

-63

And the bill:

H. 197. To amend Section 34-32-9, Code of Alabama 1975, relating to the qualifications for registration as professional soil classifiers, so as to provide

further for such qualifications.

was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 76; Nays 0.

Yea:

Mr. Speaker, Anderson, Beasley, Biddle, Black (M), Bowling, Box, Bryant, Buskey (JE), Cagle, Campbell, Carns, Carothers, Carter, Clay, Cosby, Crow, Curry, Dolbare, Escott-Russell, Flowers, Ford, Freeman, Fuller, Gaston, Grayson, Gullatt, Hall, Hamilton, Hammett, Haney, Harper, Hawkins, Haynes, Higginbotham, Hill, Hogan, Holladay, Holley, Johnson, Kennedy, Knight, Kvalheim, Laird, Layson, Mathis, McDaniel, McKee, McMillan, Mikell, Morrow, Morton, Newman, Newton (C), Parker (P), Parker (T), Payne, Penry, Petelos, Powell, Rich, Richardson, Rockhold, Rogers (F), Sanderford, Sanderson, Smith (C), Smith (R), Turner, Venable, Walker, Warren, White, Williams, Willis and Zoghby.

-76

PERMISSION GRANTED

Permission was granted for the Journal to reflect that Representative Black (M) intended to vote "Yea" on passage of the bill, H. 330.

BUDGET ISOLATION RESOLUTION

On motion of Representative Campbell, the Budget Isolation Resolution relating to the bill, H. 389, was adopted.

Yeas 78; Nays 0.

Yea:

Mr. Speaker, Anderson, Beasley, Biddle, Black (M), Bowling, Box, Bryant, Burke, Buskey (JE), Buskey (JL), Cagle, Campbell, Carns, Carothers, Carter, Cosby, Crow, Curry, Dolbare, Escott-Russell, Flowers, Ford, Freeman, Fuller, Gaston, Gullatt, Hall, Hamilton, Hammett, Haney, Harper, Hawkins, Haynes, Hill, Hogan, Holladay, Holley, Holmes, Hooper, Johnson, Kennedy, Knight, Kvalheim, Laird, Layson, Mathis, McDaniel, McKee, McMillan, Mikell, Millican, Morrow, Morton, Newman, Newton (C), Newton (D), Parker (P), Parker (T), Payne, Penry, Perdue, Petelos, Powell, Rich, Richardson, Rockhold, Rogers (F), Sanderford, Sanderson, Smith (C), Smith (R), Starkey, Venable, Walker, Williams, Willis and Zoghby.

-78

And the bill:

H. 389. To amend Section 29-2-51 of the Code of Alabama 1975, relating to the permanent legislative committee on reapportionment so as to provide further for additional at-large members.

was taken up.

AMENDMENT OFFERED

Representative Campbell offered the following amendment to the bill, H. 389:

Amend House Bill 389 on page 2, line 15 by striking the word "twenty" and inserting in lieu thereof the word "twenty-two"

AMENDMENT ADOPTED

And the amendment was adopted.

Yeas 80; Nays 0.

Yea:

Mr. Speaker, Anderson, Beasley, Biddle, Black (M), Bowling, Box, Bryant, Burke, Buskey (JE), Butler, Cagle, Campbell, Carns, Carothers, Carter, Clay, Cosby, Crow, Curry, Dolbare, Flowers, Ford, Freeman, Gaines, Gaston, Grayson, Gullatt, Hall, Hamilton, Hammett, Haney, Harper, Hawkins, Haynes, Higginbotham, Hill, Hogan, Holladay, Holley, Hooper, Johnson, Kennedy, Knight, Kvalheim, Laird, Layson, Mathis, McDaniel, McKee, McMillan, Mikell, Morrow, Morton, Newman, Newton (C), Newton (D), Parker (P), Parker (T), Payne, Penry, Perdue, Petelos, Powell, Rich, Richardson, Rockhold, Sanderford, Sanderson, Smith (C), Smith (R), Starkey, Turner, Venable, Walker, Warren, White, Williams, Willis and Zoghby.

-80

And the bill, H. 389, as amended, was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 81; Nays 0.

Yea:

Mr. Speaker, Anderson, Beasley, Biddle, Black (M), Bowling, Box, Bryant, Burke, Buskey (JE), Buskey (JL), Cagle, Campbell, Carns, Carothers, Carter, Clay, Cosby, Crow, Curry, Dolbare, Flowers, Ford, Freeman, Fuller, Gaines, Gaston, Grayson, Gullatt, Hall, Hamilton, Hammett, Haney, Harper, Hawkins, Haynes, Higginbotham, Hill, Hogan, Holladay, Holley, Holmes, Hooper, Johnson, Kennedy, Knight, Kvalheim, Laird, Layson, Mathis, McDaniel, McKee,

McMillan, Mikell, Morrow, Morton, Newman, Newton (C), Newton (D), Parker (P), Parker (T), Payne, Penry, Perdue, Petelos, Powell, Rockhold, Sanderford, Sanderson, Smith (C), Smith (R), Starkey, Thomas, Turner, Venable, Walker, Warren, White, Williams, Willis and Zoghby.

-81

BUDGET ISOLATION RESOLUTION

On motion of Representative Campbell, the Budget Isolation Resolution relating to the bill, H. 101, was adopted.

Yeas 77; Nays 1.

Yea:

Mr. Speaker, Anderson, Beasley, Biddle, Black (M), Bowling, Box, Bryant, Bugg, Burke, Buskey (JE), Buskey (JL), Butler, Campbell, Carns, Carothers, Carter, Clay, Cosby, Cullins, Curry, Dolbare, Flowers, Ford, Freeman, Fuller, Gaines, Gaston, Grayson, Gullatt, Hall, Hamilton, Hammett, Haney, Harper, Hawkins, Haynes, Higginbotham, Hill, Holladay, Holmes, Johnson, Kennedy, Knight, Kvalheim, Layson, Mathis, McDaniel, McDowell, McKee, Millican, Morrow, Morton, Newman, Newton (C), Parker (P), Parker (T), Payne, Penry, Powell, Rich, Richardson, Rockhold, Rogers (F), Sanderford, Sanderson, Smith (C), Smith (R), Starkey, Thomas, Venable, Walker, Warren, White, Williams, Willis and Zoghby.

-77

Nay:

Representative Holley.

- 1

And the bill:

H. 101. To repeal Section 29-1-18 of the Code of Alabama 1975, which limits the number of members of a standing committee of the house of representatives to 15.

was taken up.

SUBSTITUTE OFFERED

Representative Campbell offered the following substitute to the bill, H. 101:

H. 101. To amend Section 29-1-18 of the Code of Alabama 1975, which limits the number of members of a standing committee of the house of representatives to 15.

SUBSTITUTE TO SUBSTITUTE OFFERED

Representative Venable offered the following substitute to the substitute offered by Representative Campbell to the bill, H. 101:

**A BILL
TO BE ENTITLED
AN ACT**

To amend Section 29-1-18 of the Code of Alabama 1975, for the quadrennium ending January, 1995 only, which limits the number of members of a standing committee of the house of representatives to 15.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

Section 1. Section 29-1-18 of the Code of Alabama 1975 is hereby amended to read for the quadrennium ending January, 1995 only:

No standing committee of the house of representatives, except a committee on local legislation, shall be composed of more than 15 members.

Section 2. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming law.

SUBSTITUTE TO SUBSTITUTE ADOPTED

And the substitute offered by Representative Venable was adopted.

Yeas 70; Nays 5.

Yea:

Mr. Speaker, Beasley, Biddle, Black (M), Bowling, Box, Burke, Butler, Campbell, Carothers, Carter, Clay, Cosby, Crow, Cullins, Curry, Dolbare, Flowers, Ford, Freeman, Fuller, Gaines, Gaston, Gullatt, Hall, Hamilton, Hammett, Haney, Harper, Hawkins, Higginbotham, Hill, Holladay, Holley, Hooper, Kennedy, Knight, Kvalheim, Laird, Layson, Mathis, McDaniel, McKee, Mikell, Millican, Morrow, Morton, Newman, Newton (C), Parker (P), Parker (T), Payne, Penry, Powell, Rich, Richardson, Rockhold, Rogers (F), Sanderford, Sanderson, Smith (C), Smith (R), Starkey, Venable, Walker, Warren, White, Williams, Willis and Zoghby.

-70

Nay:

Representatives Anderson, Carns, Haynes, Holmes and McDowell.

-5

And the bill:

H. 101. To amend Section 29-1-18 of the Code of Alabama 1975, for the quadrennium ending January, 1995 only, which limits the number of members of a standing committee of the house of representatives to 15.

as amended, was read a third time at length and passed, and ordered engrossed.

Yeas 82; Nays 1.

Yea:

Mr. Speaker, Anderson, Beasley, Biddle, Black (L), Black (M), Bowling, Box, Bryant, Bugg, Burke, Buskey (JE), Buskey (JL), Butler, Cagle, Campbell, Carns, Carothers, Carter, Clay, Cosby, Cullins, Curry, Dolbare, Flowers, Ford, Freeman, Fuller, Gaines, Gaston, Grayson, Gullatt, Hamilton, Hammett, Haney, Harper, Hawkins, Haynes, Higginbotham, Hill, Hogan, Holladay, Holmes, Hooper, Johnson, Kennedy, Knight, Kvalheim, Laird, Layson, Lindsey, Mathis, McDaniel, McDowell, McMillan, Mikell, Millican, Morton, Newman, Newton (C), Parker (P), Parker (T), Payne, Penry, Petelos, Powell, Rich, Richardson, Rockhold, Rogers (F), Sanderford, Sanderson, Smith (C), Smith (R), Starkey, Thomas, Venable, Walker, Warren, White, Willis and Zoghby.

-82

Nay:

Representative Holley.

- 1

BUDGET ISOLATION RESOLUTION

On motion of Representative Haynes, the Budget Isolation Resolution relating to the bill, H. 505, was adopted.

Yeas 72; Nays 1.

Yea:

Mr. Speaker, Anderson, Beasley, Biddle, Black (M), Bowling, Box, Bryant, Bugg, Buskey (JE), Cagle, Carns, Carothers, Carter, Crow, Cullins, Dolbare, Flowers, Ford, Freeman, Fuller, Gaines, Gaston, Grayson, Gullatt, Hall, Hamilton, Hammett, Haney, Harper, Hawkins, Haynes, Higginbotham, Hill, Hogan, Holladay, Hooper, Johnson, Kennedy, Knight, Kvalheim, Laird, Layson, Mathis, McDaniel, McDowell, McKee, McMillan, Mikell, Millican, Morrow, Newman, Newton (C), Parker (P), Payne, Penry, Petelos, Rich, Richardson, Rockhold, Rogers (F), Sanderford, Sanderson, Smith (C), Starkey, Venable, Walker, Warren, White, Williams, Willis and Zoghby.

-72

Nay:

Representative Holley

- 1

And the bill:

H. 505. To amend Section 9-11-244, Code of Alabama 1975, relating to the taking of certain protected birds or animals by bait, so as to provide for an exception for certain hunting of migratory birds.

was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 74; Nays 0.

Yea:

Mr. Speaker, Anderson, Beasley, Biddle, Black (M), Bowling, Box, Bryant, Bugg, Buskey (JL), Butler, Cagle, Carns, Carothers, Carter, Clay, Crow, Cullins, Dolbare, Flowers, Ford, Freeman, Fuller, Gaines, Gaston, Grayson, Gullatt, Hall, Hamilton, Hammett, Haney, Harper, Hawkins, Haynes, Higginbotham, Hill, Hogan, Holladay, Holley, Johnson, Kennedy, Knight, Kvalheim, Laird, Layson, Lindsey, Mathis, McDowell, McKee, McMillan, Mikell, Millican, Morrow, Morton, Newman, Parker (P), Parker (T), Payne, Penry, Powell, Rich, Richardson, Rockhold, Rogers (F), Sanderson, Smith (C), Starkey, Venable, Walker, Warren, White, Williams, Willis and Zoghby.

-74

BUDGET ISOLATION RESOLUTION

On motion of Representative Harper, the Budget Isolation Resolution relating to the bill, H. 282, was adopted.

Yeas 74; Nays 0.

Yea:

Mr. Speaker, Anderson, Beasley, Black (M), Bowling, Box, Bryant, Bugg, Buskey (JL), Butler, Cagle, Carns, Carothers, Carter, Crow, Curry, Dolbare, Flowers, Ford, Freeman, Fuller, Gaines, Gaston, Gullatt, Hall, Hamilton, Hammett, Haney, Harper, Hawkins, Haynes, Higginbotham, Hill, Hogan, Holladay, Holley, Johnson, Kennedy, Knight, Kvalheim, Laird, Lindsey, Mathis, McDaniel, McDowell, McKee, McMillan, Mikell, Millican, Morrow, Morton, Newman, Newton (C), Parker (P), Parker (T), Penry, Petelos, Powell, Rich, Richardson, Rockhold, Rogers (F), Sanderford, Sanderson, Smith (C), Smith (R), Starkey, Turner, Venable, Walker, Warren, White, Willis and Zoghby.

-74

And the bill:

H. 282. This bill amends Section 2-5-14, Code of Alabama, 1975, to further

define the disposition of funds.

was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 70; Nays 0.

Yea:

Mr. Speaker, Anderson, Beasley, Biddle, Black (M), Bowling, Box, Bryant, Bugg, Buskey (JL), Butler, Cagle, Carns, Carothers, Carter, Crow, Dolbare, Flowers, Ford, Freeman, Gaston, Gullatt, Hall, Hamilton, Hammett, Haney, Harper, Hawkins, Haynes, Hill, Hogan, Holladay, Holley, Hooper, Johnson, Knight, Kvalheim, Laird, Layson, Lindsey, Mathis, McDaniel, McDowell, McMillan, Mikell, Millican, Morrow, Morton, Newman, Newton (C), Parker (P), Parker (T), Payne, Penry, Powell, Rich, Richardson, Rockhold, Rogers (F), Sanderford, Smith (C), Smith (R), Starkey, Turner, Venable, Warren, White, Williams, Willis and Zoghby.

-70

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has concurred in and adopted the following House Joint Resolution and returns same herewith to the House:

H.J.R. 139. RELATIVE TO MEETING DAYS.

MCDOWELL LEE
Secretary

SPECIAL ORDER CALENDAR RESUMED

BUDGET ISOLATION RESOLUTION

On motion of Representative Lindsey, the Budget Isolation Resolution relating to the bill, H. 419, was adopted.

Yeas 73; Nays 0.

Yea:

Mr. Speaker, Anderson, Beasley, Biddle, Black (M), Bowling, Box, Bryant, Bugg, Burke, Buskey (JL), Butler, Cagle, Carns, Carothers, Carter, Crow, Curry, Dolbare, Flowers, Ford, Freeman, Fuller, Gaines, Gaston, Gullatt, Hall, Hamilton, Hammett, Hawkins, Haynes, Higginbotham, Hill, Hogan, Holladay, Holley, Hooper, Johnson, Knight, Kvalheim, Layson, Lindsey, Mathis, McKee,

McMillan, Millican, Morrow, Morton, Newman, Newton (C), Newton (D), Parker (P), Parker (T), Payne, Penry, Petelos, Powell, Rich, Richardson, Rockhold, Rogers (F), Sanderford, Sanderson, Smith (C), Smith (R), Starkey, Turner, Venable, Walker, Warren, White, Willis and Zoghby.

-73

And the bill:

H. 419. To make a supplemental appropriation from the Farmers' Market Authority Fund to the Farmers' Market Authority for the sum of two hundred thirty-eight thousand five hundred and fifty dollars (\$238,550) for the fiscal year ending September 30, 1991.

was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 75; Nays 0.

Yea:

Mr. Speaker, Anderson, Beasley, Biddle, Black (M), Bowling, Box, Bryant, Bugg, Burke, Buskey (JL), Butler, Cagle, Carns, Carothers, Carter, Crow, Curry, Dolbare, Flowers, Ford, Fuller, Gaines, Gaston, Gullatt, Hall, Hamilton, Hammett, Haney, Hawkins, Haynes, Hill, Hogan, Holladay, Holley, Hooper, Johnson, Kennedy, Knight, Kvalheim, Laird, Layson, Lindsey, Mathis, McDaniel, McKee, McMillan, Mikell, Millican, Morton, Newman, Newton (C), Newton (D), Parker (P), Parker (T), Payne, Penry, Petelos, Powell, Rich, Richardson, Rockhold, Rogers (F), Sanderford, Sanderson, Smith (C), Smith (R), Starkey, Turner, Venable, Walker, Warren, White, Williams and Willis.

-75

REPORT OF THE STANDING COMMITTEE ON RULES ON ENROLLED AND ENGROSSED BILLS

Mr. Speaker:

Your Standing Committee on Rules begs leave to report that said committee, in session, has compared the following engrossed bill with the original bill and finds same correctly engrossed, to-wit:

H. 101. To amend Section 29-1-18 of the Code of Alabama 1975, for the quadrennium ending January, 1995 only, which limits the number of members of a standing committee of the house of representatives to 15.

TOMMY CARTER
Chairman

And the bill, H. 101, as engrossed, was ordered sent to the Senate.

**REPORT OF THE STANDING COMMITTEE
ON RULES ON ENROLLED AND ENGROSSED BILLS**

Mr. Speaker:

Your Standing Committee on Rules begs leave to report that it has examined the following House Joint Resolution, to-wit:

H.J.R. 139. RELATIVE TO MEETING DAYS

And finds same correctly enrolled.

TOMMY CARTER
Chairman

SIGNING OF HOUSE JOINT RESOLUTION

The Speaker of the House, in the presence of the House, immediately after the title had been publicly read by the Clerk, the reading at length having been dispensed with by a two-thirds vote of a quorum present, signed the House Joint Resolution, the title of which is set out in the foregoing Report of the Standing Committee on Rules.

SPECIAL ORDER CALENDAR RESUMED

BUDGET ISOLATION RESOLUTION

On motion of Representative Flowers, the Budget Isolation Resolution relating to the bill, H. 135, was adopted.

Yeas 60; Nays 7.

Yea:

Mr. Speaker, Anderson, Beasley, Biddle, Black (M), Bowling, Bryant, Bugg, Burke, Buskey (JE), Butler, Carns, Carter, Clark (W), Clay, Cosby, Curry, Dolbare, Flowers, Ford, Freeman, Gullatt, Hall, Hamilton, Hammett, Harper, Haynes, Higginbotham, Hill, Holley, Johnson, Kennedy, Knight, Laird, Layson, Mathis, McDaniel, McDowell, McKee, McMillan, Millican, Morrow, Newman, Newton (C), Parker (P), Parker (T), Payne, Penry, Powell, Rich, Richardson, Rockhold, Rogers (F), Smith (C), Smith (R), Starkey, Thomas, Turner, White and Zoghby.

-60

Nay:

Representatives Gaines, Hawkins, Kvalheim, Mikell, Petelos, Sanderson and Williams.

- 7

And the bill:

H. 135. (With Substitute): To amend Section 1-3-8 of the Code of Alabama 1975 relating to the legal holidays in this state; to provide that National Memorial Day shall be a legal holiday in this state; to provide that Jefferson Davis' birthday shall be observed in conjunction with Confederate Memorial day; to provide that Thomas Jefferson's birthday shall be observed in conjunction with George Washington's birthday; to provide further for the observance of Mardi Gras in this state; and to provide for personal leave days for state employees in lieu of certain holidays.

was taken up.

The question was then on the adoption of the substitute reported by the Standing Committee on State Administration, said committee substitute being as follows:

A BILL
TO BE ENTITLED
AN ACT

To amend Section 1-3-8 of the Code of Alabama 1975 relating to the legal holidays in this state; to provide that National Memorial Day shall be a legal holiday in this state; to provide that Jefferson Davis' birthday shall be observed as a state holiday but will not cause state offices to close; to provide that Thomas Jefferson's birthday shall be observed in conjunction with George Washington's birthday; to provide further for the observance of Mardi Gras in this state; and to provide for personal leave days for state employees in lieu of certain holidays.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

Section 1. Section 1-3-8 of the Code of Alabama 1975 is hereby amended to read as follows:

Section 1-3-8.

"(a) Sunday, Christmas day, New Year's day, Martin Luther King, Jr.'s birthday, Robert E. Lee's birthday, George Washington's birthday, Thomas Jefferson's birthday, ~~Mardi-Gras~~, Confederate Memorial day, National Memorial Day, Jefferson Davis' birthday, the Fourth day of July, Labor day, Columbus day and Fraternal day, Veterans' day and the day designated by the governor for public thanksgiving shall be deemed a holiday. If any holiday falls on Sunday, the following day is the holiday. If any holiday falls on Saturday, the preceding day is the holiday. Veterans' day shall be observed by the closing of all state, county and municipal offices, all banks located within this state and the public schools on such day. The superintendent of banks, with the concurrence of not less than two members of the state banking board, may authorize any state bank to close on National Memorial day, the last Monday in May, and on such other days as may be declared by the governor to be state holidays in honor of a special event. In the event any authorized state holiday falls on Friday, the superintendent of banks may authorize the Saturday following that Friday to be a holiday. The

superintendent may also authorize the closing of banks at 12:00 noon on the day prior to Christmas day, and the day prior to New Year's day, if such days fall on business days.

"(b) Of the above enumerated legal public holidays, the following shall be observed on the dates herein prescribed:

- (1) Robert E. Lee's birthday - the third Monday in January.
- (2) George Washington's birthday - the third Monday in February.
- (3) Confederate Memorial day - the fourth Monday in April.
- (4) Jefferson Davis' birthday - the first Monday in June.
- (5) Columbus day and Fraternal day - the second Monday in October.
- (6) Veterans' day - the eleventh day of November.
- (7) Martin Luther King, Jr.'s birthday - the third Monday in January.
- (8) National Memorial Day - the last Monday in May.
- (9) Thomas Jefferson's birthday - the third Monday in February.

"(c) In addition to the legal holidays provided above, Mardi Gras shall be deemed a holiday in Mobile and Baldwin Counties and all state offices shall be closed in those counties on Mardi Gras.

"(d) In addition to the legal holidays provided above, all state employees, except those employed in Baldwin and Mobile Counties, shall be granted two personal leave days per year. One personal leave day shall be granted on January 1 of each year and one personal leave day on July 1. All state employees employed in Baldwin and Mobile Counties shall be granted one personal leave day on January 1 of each year. All such personal leave days granted in any year shall be used by the end of the calendar year. All such personal leave days shall be scheduled during the year with the approval of the supervisor. Supervisors failing to schedule personal leave days for employees must justify that action in writing to the director of state personnel and the employee shall receive pay at a rate not less than the employee's usual and customary rate of pay for any personal leave day not taken by December 31 of each year.

"(e) (e) All state holidays except Jefferson Davis's birthday shall be observed by the closing of all state offices. Any state office may remain open on a state holiday upon written notice by the appointing authority to the state personnel board at least 60 days in advance of the holiday. Provided, that any state office may be opened in the event of an emergency and the state personnel board may grant a blanket approval for the openings of state offices needing to be open on holidays on a regular basis for essential services. Any state employee working on a state holiday shall receive a day of compensatory leave or paid compensation in

lieu of the holiday as provided herein.

"(d) (f) Each employee shall attempt to schedule any compensatory leave day provided in lieu of a regularly scheduled holiday, subject to the approval of the supervisor, during the quarter that the regularly scheduled holiday occurred. In the event that any compensatory leave day cannot be scheduled during the designated quarter, then the compensatory leave day may be accumulated at the request of the employee for up to one year. Supervisors failing to schedule compensatory leave days for employees within the quarter, unless that day is carried forward at the request of the employee, must justify that action in writing to the director of state personnel and the employee shall receive pay at a rate not less than the employee's usual and customary rate of pay for any compensatory leave day to which he may be entitled and which has not been taken."

Section 2. The provisions of this Act are severable. If any part of the Act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 3. All laws or parts of laws which conflict with this act are hereby repealed.

Section 4. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

SUBSTITUTE ADOPTED

And the substitute was adopted.

Yeas 69; Nays 3.

Yea:

Mr. Speaker, Anderson, Beasley, Biddle, Black (M), Bowling, Box, Bryant, Bugg, Burke, Buskey (JE), Buskey (JL), Cagle, Carns, Carothers, Carter, Clark (W), Clay, Cosby, Crow, Curry, Flowers, Ford, Freeman, Gaston, Gullatt, Hall, Hamilton, Harper, Hawkins, Haynes, Higginbotham, Hill, Hogan, Holladay, Hooper, Johnson, Kennedy, Knight, Kvalheim, Layson, Mathis, McDaniel, McDowell, McKee, Mikell, Millican, Morrow, Morton, Newman, Newton (C), Parker (P), Parker (T), Payne, Powell, Rich, Richardson, Rockhold, Rogers (F), Smith (C), Smith (R), Starkey, Thomas, Turner, Warren, White, Williams, Willis and Zoghby.

-69

Nay:

Representatives Gaines, Petelos and Sanderson.

- 3

H. 135 TEMPORARILY CARRIED OVER

On motion of Representative Flowers, the bill, H. 135, as amended, was temporarily carried over.

BUDGET ISOLATION RESOLUTION

On motion of Representative Haynes, the Budget Isolation Resolution relating to the bill, H. 325, was adopted.

Yeas 51; Nays 3.

Yea:

Mr. Speaker, Anderson, Beasley, Box, Bugg, Burke, Cagle, Carns, Carter, Clay, Cosby, Crow, Cullins, Dolbare, Escott-Russell, Ford, Freeman, Gaston, Hall, Hamilton, Hammett, Hawkins, Haynes, Higginbotham, Hill, Hogan, Holladay, Johnson, Kennedy, Knight, Kvalheim, Layson, McMillan, Millican, Morrow, Morton, Newman, Parker (P), Parker (T), Penry, Petelos, Rockhold, Rogers (F), Smith (C), Smith (R), Thomas, Turner, Venable, Warren, Williams and Willis.

-51

Nay:

Representatives Black (M), Gaines and Mathis.

- 3

And the bill:

H. 325. To amend Sections 12-17-220 and 36-26-10, Code of Alabama 1975, relating to certain employees within the district attorneys' offices and the State Merit System, so as to provide that assistant district attorneys, investigators, clerical, secretarial and other personnel employed in a district attorney's office serve at the pleasure of the district attorney and are in the exempt service of the state and to provide for its retroactive effect.

was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 68; Nays 5.

Yea:

Mr. Speaker, Anderson, Beasley, Biddle, Black (L), Bowling, Box, Bryant, Bugg, Burke, Cagle, Carns, Carothers, Carter, Clay, Cosby, Crow, Cullins, Dolbare, Escott-Russell, Flowers, Ford, Freeman, Fuller, Gaston, Hall, Hammett, Haney, Hawkins, Haynes, Higginbotham, Hill, Hogan, Holladay, Holley, Hooper, Johnson, Knight, Kvalheim, Laird, Layson, Lindsey, McDaniel,

McDowell, McMillan, Millican, Morrow, Morton, Newman, Newton (C), Parker (P), Parker (T), Penry, Petelos, Richardson, Rockhold, Rogers (F), Smith (C), Smith (R), Starkey, Thomas, Turner, Venable, Warren, White, Williams, Willis and Zoghby.

-68

Nay:

Representatives Black (M), Curry, Gaines, Mathis and Mikell.

- 5

RESOLUTIONS

The following resolutions were introduced and distributed according to Joint Rule 11:

By Representative McDowell:

H.R. 160. COMMENDING DR. BENECIA A. TOMS ON BEING GUEST SPEAKER FOR SISTERHOOD DAY AT THE NEW JERUSALEM BAPTIST CHURCH IN BESSEMER.

Also:

By Representative McDowell:

H.R. 161. COMMENDING CATHERINE B. ALLEN OF BIRMINGHAM, ALABAMA.

SPECIAL ORDER CALENDAR RESUMED

BUDGET ISOLATION RESOLUTION

On motion of Representative Penry, the Budget Isolation Resolution relating to the bill, H. 396, was adopted.

Yeas 52; Nays 0.

Yea:

Mr. Speaker, Anderson, Beasley, Biddle, Bowling, Box, Bryant, Bugg, Buskey (JE), Buskey (JL), Cagle, Carns, Carothers, Carter, Clay, Cosby, Crow, Cullins, Escott-Russell, Ford, Gaston, Hamilton, Hammett, Haney, Harper, Hawkins, Haynes, Hogan, Hooper, Johnson, Kennedy, Kvalheim, Mathis, McMillan, Morrow, Morton, Newman, Newton (C), Parker (P), Parker (T), Payne, Penry, Powell, Rockhold, Sanderford, Smith (C), Smith (R), Starkey, Turner, Venable, Willis and Zoghby.

-52

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned, and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

And the bill:

H. 396. To authorize any Class 2, 3, 4, 5, 6; 7 or 8 municipality, operating under a council-manager form of government or under a mayor-council-city manager form of government, to establish a council-manager form of government; to provide for an election for the qualified electorate to continue to operate under the council-manager form of government under this act or to choose the mayor-council form of government pursuant to Section 11-43-1, et seq. of the Code of Alabama 1975, which provides for the operation and administration of such governing body; to provide for the powers, duties and responsibilities and terms of office for each form of government; to prescribe that any annexation and the present boundaries shall continue; to provide that the mayor and council members shall continue in office until the expiration of their current terms; to provide for the composition of the council and the number of single-members districts and for certain municipal officers; to preserve any current civil service or merit system; to provide for the transition of powers, duties and assets of any office, department, board, commission or agency where applicable, as well as the continuation of all contracts, public improvements, ordinances providing for civil or criminal penalties, the proceedings of the municipality, and resolutions; to provide for referendum procedures and the effective date; to provide for fiscal and budgetary matters of the governing body and municipality; to repeal any laws or parts of laws in conflict with this act; and to prescribe criminal penalties for violations.

was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 61; Nays 1.

Yea:

Mr. Speaker, Anderson, Beasley, Biddle, Bowling, Box, Bryant, Bugg, Buskey (JE), Buskey (JL), Cagle, Carns, Carothers, Carter, Clay, Crow, Cullins, Curry, Escott-Russell, Ford, Freeman, Fuller, Gaines, Gaston, Hall, Hamilton, Hammett, Haney, Harper, Haynes, Higginbotham, Hill, Hogan, Holley, Hooper, Johnson, Kennedy, Knight, Kvalheim, Layson, Mathis, McMillan, Morrow, Morton, Newman, Newton (C), Parker (P), Parker (T), Payne, Penry, Powell, Rogers (F), Sanderford, Smith (C), Smith (R), Starkey, Turner, Venable, Warren, Willis and Zoghby.

Nay:

Representative Hawkins.

BUDGET ISOLATION RESOLUTION

On motion of Representative Hill, the Budget Isolation Resolution relating to the bill, H. 354, was adopted.

Yeas 63; Nays 0.

Yea:

Mr. Speaker, Anderson, Beasley, Biddle, Black (M), Bowling, Box, Bryant, Bugg, Buskey (JE), Buskey (JL), Cagle, Carns, Clay, Crow, Cullins, Curry, Flowers, Gaines, Gaston, Hamilton, Hammett, Hawkins, Haynes, Higginbotham, Hill, Hogan, Holladay, Holley, Holmes, Hooper, Johnson, Knight, Kvalheim, Layson, Lindsey, Mathis, McMillan, Mikell, Millican, Morrow, Morton, Newman, Newton (C), Parker (P), Parker (T), Payne, Penry, Petelos, Powell, Rich, Rockhold, Rogers (F), Smith (C), Smith (R), Starkey, Thomas, Venable, Warren, White, Williams, Willis and Zoghby.

-63

And the bill:

H. 354. To amend §40-17-31 (a) and §40-17-171, Code of Alabama, 1975, to provide that purchases of gasoline and lubricating oil by city and county boards of education, the Alabama Institute for Deaf and Blind, and the Department of Youth Services School District shall be exempt from taxation under the levy provided for in §40-17-31 (a) and §40-17-171, Code of Alabama, 1975.

was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 77; Nays 0.

Yea:

Mr. Speaker, Anderson, Beasley, Biddle, Black (M), Bowling, Box, Bryant, Bugg, Burke, Buskey (JE), Buskey (JL), Cagle, Carns, Carter, Clay, Crow, Cullins, Curry, Dolbare, Escott-Russell, Ford, Freeman, Fuller, Gaines, Gaston, Hall, Hamilton, Hammett, Haney, Hawkins, Haynes, Higginbotham, Hill, Hogan, Holladay, Holley, Holmes, Hooper, Johnson, Knight, Kvalheim, Layson, Lindsey, Mathis, McDaniel, McKee, McMillan, Mikell, Millican, Morrow, Morton, Newman, Newton (C), Parker (P), Parker (T), Payne, Penry, Petelos, Powell, Rich, Rockhold, Rogers (F), Sanderford, Sanderson, Smith (C), Smith (R), Starkey, Thomas, Turner, Venable, Walker, Warren, White, Williams, Willis and Zoghby.

-77

BUDGET ISOLATION RESOLUTION CARRIED OVER

On motion of Representative Holley, the Budget Isolation Resolution and the bill, H. 66, were carried over to the ninth legislative day.

H. 135 CARRIED OVER

On motion of Representative Holley, the bill, H. 135 as amended, was carried over to ninth day.

MOTION TO ADJOURN LOST

The motion offered by Representative Burke that the House adjourn until 1:00 o'clock p.m., Tuesday, May 14, 1991, was lost.

Yeas 28; Nays 43.

Yea:

Representatives Bryant, Bugg, Burke, Buskey (JE), Buskey (JL), Cagle, Campbell, Carns, Clay, Crow, Escott-Russell, Hammett, Haney, Hawkins, Hogan, Holladay, McKee, Parker (P), Powell, Rich, Rogers (F), Sanderford, Sanderson, Starkey, Thomas, Walker, Williams and Willis.

-28

Nay:

Mr. Speaker, Anderson, Beasley, Black (M), Box, Butler, Carothers, Carter, Curry, Dolbare, Flowers, Ford, Freeman, Fuller, Gaines, Gaston, Hall, Harper, Haynes, Hill, Holley, Hooper, Johnson, Knight, Kvalheim, Lindsey, Mathis, McDaniel, McDowell, McMillan, Mikell, Morrow, Morton, Newman, Newton (C), Penry, Petelos, Rogers (J), Smith (C), Smith (R), Venable, Warren and White.

-43

SPECIAL ORDER CALENDAR RESUMED

BUDGET ISOLATION RESOLUTION

On motion of Representative Hooper, the Budget Isolation Resolution relating to the bill, H. 411, was adopted.

Yeas 48; Nays 1.

Yea:

Mr. Speaker, Biddle, Box, Bugg, Butler, Cagle, Carter, Clay, Crow, Cullins,

Curry, Ford, Freeman, Gaston, Hall, Hamilton, Hammett, Harper, Hawkins, Haynes, Hill, Hogan, Holladay, Holley, Hooper, Johnson, Knight, Kvalheim, McDaniel, McKee, McMillan, Mikell, Morrow, Morton, Newton (C), Parker (P), Parker (T), Payne, Petelos, Rich, Sanderford, Smith (C), Thomas, Venable, Warren, White, Williams and Willis.

-48

Nay:

Representative Newman.

- 1

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned, and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

And the bill:

H. 411. (With Amendment): To provide for a means to safeguard the public against injury and loss of life or the interruption of public services caused by damage to various underground facilities by communicating and coordinating adequate prior notification of excavation or demolition activities that might damage or interrupt services provided by certain underground facilities; to prohibit certain activities without first having ascertained the location of any potentially affected underground facilities; to prescribe procedures for notification of an intent to undertake certain activities; to prescribe certain activities to be included in an underground damage prevention program; to authorize formation of a public corporation for a statewide "One-Call Notification System" and to provide for its directors, powers and general administrative procedures; to prescribe procedures for response to both emergency and routine notification and for reporting damage resulting from certain activities; to prescribe civil penalties for violations and exceptions to such penalties; to provide for the liberal construction and severability of any part of this act and to provide that this act shall become effective on January 1, 1992.

was taken up.

The question was then on the adoption of the amendment reported by the Standing Committee on Commerce, Transportation and Utilities, said committee amendment being as follows:

Amend H. 411 on page 4, line 22 by adding the following:

Such term, however, does not include and no provision of this chapter shall apply to any excavating done by a railroad when said excavating is made entirely on the land which the railroad owns or on which the railroad operates or, in the event of emergency, on adjacent land.

Further amend H. 411 on page 6, beginning on line 31, by deleting the following language: ~~or of railroads doing maintenance activities within their respective right-of-way where there are no other operators with underground facilities on the railroad right-of-way within 50 feet of the proposed maintenance excavation activity;~~

AMENDMENT ADOPTED

And the amendment was adopted.

Yeas 40; Nays 4.

Yea:

Mr. Speaker, Beasley, Box, Carter, Clay, Cullins, Dolbare, Flowers, Ford, Freeman, Gaines, Gaston, Hammett, Harper, Hawkins, Hill, Hogan, Hooper, Kennedy, Knight, Kvalheim, McClain, McDaniel, McKee, McMillan, Mikell, Morrow, Penry, Petelos, Powell, Rockhold, Rogers (F), Sanderford, Sanderson, Starkey, Thomas, Venable, Warren, Williams and Zoghby.

-40

Nay:

Representatives Hall, Holley, Newman and White.

- 4

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned, and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

AMENDMENT OFFERED

Representative Hooper offered the following amendment to the bill, H. 411, as amended:

Amend H. 411 on page 7, line 3 after the word "purposes" by striking the (period) ; and inserting the following: , or Municipal or Public Corporations operating Water and Sewer Boards, which produce, treat, and sell water, and provide fire protection in accordance with Insurance Service Office fire protection standards, to 5000 or more metered accounts, while doing work on any easements, rights of way or other property owned by said board or to which said board has access.

H. 411 CARRIED OVER

On motion of Representative White, the bill, H. 411, as amended, and the pending amendment were carried over to the ninth legislative day.

Yeas 30; Nays 23.

Yea:

Representatives Anderson, Black (L), Black (M), Bugg, Cagle, Clay, Crow, Dolbare, Freeman, Hamilton, Hammett, Hogan, Holladay, Holley, Laird, McClain, McKee, Mikell, Morrow, Newman, Parker (T), Powell, Rich, Rogers (F), Smith (C), Smith (R), Thomas, Warren, White and Willis.

-30

Nay:

Mr. Speaker, Beasley, Biddle, Box, Buskey (JE), Butler, Carter, Curry, Ford, Gaines, Gaston, Harper, Hawkins, Hooper, Knight, Kvalheim, Mathis, McMillan, Newton (C), Penry, Petelos, Sanderson and Starkey.

-23

**REPORT OF THE STANDING COMMITTEE
ON RULES ON ENROLLED AND ENGROSSED BILLS**

Mr. Speaker:

Your Standing Committee on Rules begs leave to report that said committee, in session, has compared the following engrossed bill with the original bill and finds same correctly engrossed, to-wit:

H. 330. To authorize the establishment of watershed management authorities; to express legislative intent; to define relevant terms; to specify the purposes of said authorities; to define the land which may be included in an authority; to provide the method for creating an authority; to provide for a hearing prior to creation; to create a board of directors to govern the authority and provide for the method of appointing or electing said board and their successors; to provide for the terms of office of board of directors members and the method of filling vacancies; to provide procedures for the operation of the board of directors; to provide for the reimbursement of expenses incurred by board members; to provide for the powers and duties of the board of directors; to authorize the issuance of bonds; to provide for the discontinuance of an authority and the assumption of assets; to provide for annual audits; to provide officers and employees of the authority shall be subject to the state code of ethics; to authorize full-time employees of the authority to join the employees' retirement system and receive health insurance and other benefits; to provide an authority shall be subject to competitive bid laws and to exempt an authority from certain taxes.

TOMMY CARTER
Chairman

And the bill, H. 330, as engrossed, was ordered sent to the Senate.

SPECIAL ORDER CALENDAR RESUMED

BUDGET ISOLATION RESOLUTION

On motion of Representative McDaniel, the Budget Isolation Resolution relating to the bill, H. 356, was adopted.

Yeas 58; Nays 0.

Yea:

Mr. Speaker, Anderson, Beasley, Biddle, Black (M), Bowling, Box, Buskey (JE), Buskey (JL), Cagle, Carter, Clay, Crow, Cullins, Curry, Dolbare, Escott-Russell, Ford, Freeman, Gaines, Gaston, Hall, Hamilton, Hammett, Harper, Hawkins, Higginbotham, Hill, Hogan, Johnson, Kennedy, Knight, Kvalheim, Mathis, McClain, McDaniel, McKee, McMillan, Morrow, Morton, Newton (C), Parker (T), Penry, Petelos, Powell, Rich, Rockhold, Rogers (F), Sanderford, Sanderson, Smith (R), Starkey, Thomas, Venable, Warren, White, Willis and Zoghby.

-58

And the bill:

H. 356. To provide for participation of employees of regional and local legislative delegation offices in the state employees' retirement system.

was taken up.

AMENDMENT OFFERED

Representative Cosby offered the following amendment to the bill, H. 356:

Amend H. 356 as follows:

On page 2, line 10, after the word "office" insert the following language: or entity that funds said office

AMENDMENT ADOPTED

And the amendment was adopted.

Yeas 56; Nays 0.

Yea:

Mr. Speaker, Anderson, Beasley, Biddle, Black (M), Bowling, Box, Cagle, Carothers, Clay, Cosby, Crow, Curry, Dolbare, Escott-Russell, Gaines, Gaston, Hamilton, Hammett, Harper, Hawkins, Haynes, Higginbotham, Hill, Hogan, Holley, Johnson, Knight, Kvalheim, Mathis, McClain, McDaniel, McMillan, Mikell, Morrow, Morton, Newton (C), Parker (T), Payne, Penry, Petelos, Powell, Rich, Rockhold, Rogers (F), Sanderford, Sanderson, Smith (C), Smith (R), Starkey, Thomas, Venable, Warren, White, Willis and Zoghby.

-56

And the bill, H. 356, as amended, was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 48; Nays 1.

Yea:

Mr. Speaker, Anderson, Beasley, Biddle, Black (M), Bowling, Box, Cagle, Carothers, Clay, Crow, Dolbare, Fuller, Gaines, Gaston, Hamilton, Hammett, Harper, Hawkins, Haynes, Hill, Hogan, Johnson, Knight, Kvalheim, Mathis, McClain, McDaniel, McMillan, Mikell, Morrow, Morton, Newton (C), Parker (T), Payne, Penry, Rockhold, Sanderford, Sanderson, Smith (R), Starkey, Thomas, Venable, Warren, White, Williams, Willis and Zoghby.

-48

Nay:

Representative Holley.

- 1

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned, and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

PERMISSION GRANTED

Permission was granted for the Journal to reflect that Representatives Cosby, Rich and Escott-Russell intended to vote "Yea" on passage of the bill, H. 356.

BUDGET ISOLATION RESOLUTION

On motion of Representative McDaniel, the Budget Isolation Resolution relating to the bill, H. 36, was adopted.

Yeas 53; Nays 0.

Yea:

Mr. Speaker, Anderson, Beasley, Biddle, Black (M), Bowling, Carter, Clay, Cullins, Curry, Escott-Russell, Freeman, Fuller, Gaines, Gaston, Hall, Hamilton, Hammett, Haney, Harper, Hawkins, Haynes, Hill, Holladay, Hooper, Johnson, Knight, Kvalheim, Mathis, McClain, McDaniel, Morrow, Morton, Newton (C), Parker (P), Parker (T), Payne, Petelos, Powell, Rich, Rockhold, Rogers (F), Sanderford, Sanderson, Smith (C), Smith (R), Starkey, Thomas, Turner, Venable, Warren, White and Williams.

-53

And the bill:

H. 36. To further amend Section 40-9-12, Code of Alabama, 1975, as last amended so as to provide exemptions of all real and personal property of Alabama Goodwill Industries, Inc., Goodwill Industries of Mobile Area, Inc. and Goodwill Industries of Central Alabama, Inc. from the payment of any and all state, county and municipal taxes, licenses, fees and charges of any nature whatsoever, including any privilege or excise tax heretofore or hereafter levied by the state of Alabama or any county or municipality thereof.

was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 49; Nays 0.

Yea:

Mr. Speaker, Anderson, Beasley, Black (M), Bowling, Box, Cagle, Carter, Clay, Cosby, Crow, Cullins, Ford, Freeman, Gaston, Hall, Hamilton, Hammett, Harper, Haynes, Hogan, Johnson, Kvalheim, Laird, Mathis, McDaniel, McKee, Mikell, Morrow, Morton, Newton (C), Parker (P), Parker (T), Petelos, Powell, Rich, Rockhold, Sanderford, Smith (C), Smith (R), Starkey, Thomas, Turner, Venable, Warren, White, Williams, Willis and Zoghby.

-49

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned, and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

BUDGET ISOLATION RESOLUTION

On motion of Representative Freeman, the Budget Isolation Resolution relating to the bill, H. 149, was adopted.

Yeas 60; Nays 0.

Yea:

Mr. Speaker, Anderson, Beasley, Biddle, Black (L), Black (M), Bowling, Box, Bugg, Buskey (JL), Butler, Carter, Clay, Cosby, Cullins, Curry, Dolbare, Ford, Freeman, Gaines, Gaston, Hall, Hamilton, Haney, Harper, Haynes, Higginbotham, Hill, Holley, Johnson, Kennedy, Knight, Kvalheim, Laird, Mathis, McClain, McDaniel, McKee, Mikell, Morrow, Morton, Newman, Newton (C), Parker (P), Parker (T), Payne, Petelos, Powell, Rich, Rockhold, Rogers (F), Sanderford, Smith (C), Smith (R), Starkey, Thomas, Warren, White, Williams and Zoghby.

-60

And the bill:

H. 149. To amend Section 34-24-80 and Section 34-24-83, Code of Alabama 1975, relating to the evaluation by the State Board of Medical Examiners of Colleges of Medicine located outside of the United States and the District of Columbia, so as to provide further for such evaluation and the licensing of graduates of such schools.

was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 63; Nays 0.

Yea:

Mr. Speaker, Anderson, Beasley, Black (L), Bowling, Box, Buskey (JL), Butler, Cagle, Carothers, Carter, Crow, Cullins, Curry, Dolbare, Escott-Russell, Flowers, Ford, Freeman, Gaines, Gaston, Hall, Hamilton, Hammett, Haney, Harper, Hawkins, Haynes, Higginbotham, Hill, Hogan, Holley, Johnson, Kennedy, Knight, Kvalheim, Laird, Mathis, McClain, McDaniel, McKee, Mikell, Morrow, Morton, Newman, Newton (C), Parker (P), Parker (T), Petelos, Powell, Rich, Rockhold, Rogers (F), Sanderford, Sanderson, Smith (C), Smith (R), Thomas, Warren, White, Williams, Willis and Zoghby.

-63

BUDGET ISOLATION RESOLUTION

On motion of Representative Fuller, the Budget Isolation Resolution relating to the bill, H. 74, was adopted.

Yeas 54; Nays 0.

Yea:

Mr. Speaker, Anderson, Beasley, Biddle, Black (L), Black (M), Bowling, Bugg, Carothers, Carter, Clay, Cosby, Cullins, Curry, Dolbare, Escott-Russell, Flowers, Fuller, Gaines, Gaston, Hamilton, Hammett, Haney, Harper, Hawkins, Haynes, Hill, Johnson, Kennedy, Knight, Laird, Mathis, McClain, McDaniel, McMillan, Morrow, Morton, Newman, Newton (C), Parker (P), Parker (T), Payne, Powell, Rich, Rogers (F), Sanderford, Sanderson, Smith (C), Smith (R), Starkey, Thomas, Venable, Warren and White.

-54

And the bill:

H. 74. To amend further Code of Alabama 1975, Section 3-5-313, relating to penalties for traffic infractions to provide funding for the driver education and training fund the Alabama college system truck driver training consortium fund, the catastrophic trust fund for special education, the Alabama traffic safety center fund and the state safety coordinating committee, so as to increase the penalty and to provide further for the distribution of funds.

was read a third time at length and lost.

Yeas 31; Nays 35.

Yea:

Representatives Beasley, Black (L), Black (M), Bowling, Bugg, Buskey (JL), Cagle, Carothers, Cullins, Curry, Dolbare, Fuller, Harper, Hawkins, Hill, Hogan, Knight, Morrow, Morton, Newman, Parker (P), Parker (T), Penry, Powell, Rogers (F), Sanderson, Smith (C), Smith (R), Starkey, Venable and White.

-31

Nay:

Representatives Anderson, Biddle, Buskey (JE), Butler, Clay, Cosby, Crow, Flowers, Freeman, Gaines, Gaston, Hall, Hamilton, Haney, Haynes, Higginbotham, Holley, Holmes, Hooper, Johnson, Kvalheim, Laird, Mathis, McClain, McDaniel, McDowell, McKee, McMillan, Newton (C), Payne, Rich, Spratt, Thomas, Williams and Willis.

-35

MOTION TO RECONSIDER ADOPTED

Having voted on the prevailing side, Representative Freeman offered the motion to reconsider the vote by which the bill, H. 149, was passed, and the motion to reconsider was adopted.

S. 110 SUBSTITUTED FOR H. 149

On motion of Representative Freeman, the bill, S. 110, was substituted for the bill, H. 149.

BUDGET ISOLATION RESOLUTION

On motion of Representative Freeman, the Budget Isolation Resolution relating to the bill, S. 110, was adopted.

Yeas 61; Nays 0.

Yea:

Mr. Speaker, Anderson, Beasley, Biddle, Black (L), Black (M), Bowling, Box, Buskey (JL), Butler, Cagle, Campbell, Carothers, Clay, Cullins, Curry, Dolbare, Flowers, Freeman, Fuller, Gaines, Gaston, Hamilton, Hammett, Haney, Hawkins, Higginbotham, Hill, Hogan, Holladay, Hooper, Knight, Kvalheim, Laird, Mathis, McClain, McDaniel, McDowell, McKee, Mikell, Millican, Morrow, Morton, Newman, Newton (C), Parker (P), Parker (T), Payne, Petelos, Powell, Rich, Rockhold, Rogers (F), Sanderford, Sanderson, Smith (C), Smith (R), Starkey, Venable, White and Williams.

-61

And the bill:

S. 110. To amend Section 34-24-80 and Section 34-24-83, Code of Alabama 1975, relating to the evaluation by the State Board of Medical Examiners of Colleges of Medicine located outside of the United States and the District of Columbia, so as to provide further for such evaluation and the licensing of graduates of such schools.

was read a third time at length and passed.

Yeas 70; Nays 0.

Yea:

Representatives Anderson, Beasley, Biddle, Black (L), Black (M), Box, Bugg, Buskey (JE), Buskey (JL), Butler, Cagle, Campbell, Carothers, Clay, Crow, Cullins, Curry, Dolbare, Freeman, Fuller, Gaines, Gaston, Hall, Hamilton, Hammett, Haney, Hawkins, Haynes, Higginbotham, Hill, Hogan, Holladay, Holley, Hooper, Johnson, Kennedy, Knight, Kvalheim, Laird, Mathis, McClain, McDaniel, McDowell, McKee, McMillan, Mikell, Millican, Morrow, Morton, Newman, Newton (C), Parker (P), Parker (T), Payne, Penry, Petelos, Powell, Rich, Rockhold, Rogers (F), Sanderford, Sanderson, Smith (C), Smith (R), Thomas, Venable, Warren, White, Williams and Willis.

-70

H. 149 INDEFINITELY POSTPONED

On motion of Representative Freeman, the bill, H. 149, was indefinitely postponed.

MOTION TO SUSPEND RULES ADOPTED

On motion of Representative Flowers, the rules were suspended in order to take up out of order the bill, H. 135, as amended.

SUBSTITUTE OFFERED

Representative Carothers offered the following substitute to the bill, H. 135, as amended:

**A BILL
TO BE ENTITLED
AN ACT**

To amend Section 1-3-8 of the Code of Alabama 1975 relating to the legal holidays in this state; to provide that National Memorial Day shall be a legal holiday in this state; to provide that Columbus Day shall be observed as a state holiday but will not cause state offices to close; to provide that Thomas Jefferson's birthday shall be observed in conjunction with George Washington's birthday; to provide further for the observance of Mardi Gras in this state; and to provide for personal leave days for state employees in lieu of certain holidays.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

Section 1. Section 1-3-8 of the Code of Alabama 1975 is hereby amended to read as follows:

Section 1-3-8.

"(a) Sunday, Christmas day, New Year's day, Martin Luther King, Jr.'s birthday, Robert E. Lee's birthday, George Washington's birthday, Thomas Jefferson's birthday, ~~Mardi-Gras~~, Confederate Memorial day, National Memorial Day, Jefferson Davis' birthday, the Fourth day of July, Labor day, Columbus day and Fraternal day, Veterans' day and the day designated by the governor for public thanksgiving shall be deemed a holiday. If any holiday falls on Sunday, the following day is the holiday. If any holiday falls on Saturday, the preceding day is the holiday. Veterans' day shall be observed by the closing of all state, county and municipal offices, all banks located within this state and the public schools on such day. Provided, however, that city, county and state offices shall remain open during the observance of Columbus Day. The superintendent of banks, with the concurrence of not less than two members of the state banking board, may authorize any state bank to close on National Memorial day, the last Monday in May, and on such other days as may be declared by the governor to be state holidays in honor of a special event. In the event any authorized state holiday falls on Friday, the superintendent of banks may authorize the Saturday following that

Friday to be a holiday. The superintendent may also authorize the closing of banks at 12:00 noon on the day prior to Christmas day, and the day prior to New Year's day, if such days fall on business days.

"(b) Of the above enumerated legal public holidays, the following shall be observed on the dates herein prescribed:

- (1) Robert E. Lee's birthday - the third Monday in January.
- (2) George Washington's birthday - the third Monday in February.
- (3) Confederate Memorial day - the fourth Monday in April.
- (4) Jefferson Davis' birthday - the first Monday in June.
- (5) Columbus day and Fraternal day - the second Monday in October.
- (6) Veterans' day - the eleventh day of November.
- (7) Martin Luther King, Jr.'s birthday - the third Monday in January.
- (8) National Memorial Day - the last Monday in May.
- (9) Thomas Jefferson's birthday - the third Monday in February.

"(c) In addition to the legal holidays provided above, Mardi Gras shall be deemed a holiday in Mobile and Baldwin Counties and all state offices shall be closed in those counties on Mardi Gras.

"(d) In addition to the legal holidays provided above, all state employees, except those employed in Baldwin and Mobile Counties, shall be granted two personal leave days per year. One personal leave day shall be granted on January 1 of each year and one personal leave day on July 1. All state employees employed in Baldwin and Mobile Counties shall be granted one personal leave day on January 1 of each year. All such personal leave days granted in any year shall be used by the end of the calendar year. All such personal leave days shall be scheduled during the year with the approval of the supervisor. Supervisors failing to schedule personal leave days for employees must justify that action in writing to the director of state personnel and the employee shall receive pay at a rate not less than the employee's usual and customary rate of pay for any personal leave day not taken by December 31 of each year.

"(e) (e) All state holidays except Columbus Day shall be observed by the closing of all state offices. Any state office may remain open on a state holiday upon written notice by the appointing authority to the state personnel board at least 60 days in advance of the holiday. Provided, that any state office may be opened in the event of an emergency and the state personnel board may grant a blanket approval for the openings of state offices needing to be open on holidays on a regular basis for essential services. Any state employee working on a state

holiday shall receive a day of compensatory leave or paid compensation in lieu of the holiday as provided herein.

"(d) (f) Each employee shall attempt to schedule any compensatory leave day provided in lieu of a regularly scheduled holiday, subject to the approval of the supervisor, during the quarter that the regularly scheduled holiday occurred. In the event that any compensatory leave day cannot be scheduled during the designated quarter, then the compensatory leave day may be accumulated at the request of the employee for up to one year. Supervisors failing to schedule compensatory leave days for employees within the quarter, unless the day is carried forward at the request of the employee, must justify that action in writing to the director of state personnel and the employee shall receive pay at a rate not less than the employee's usual and customary rate of pay for any compensatory leave day to which he may be entitled and which has not been taken."

Section 2. The provisions of this Act are severable. If any part of the Act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 3. All laws or parts of laws which conflict with this act are hereby repealed.

Section 4. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

MOTION TO TABLE LOST

The motion offered by Representative Flowers to table the substitute offered by Representative Carothers to the bill, H. 135, as amended, was lost.

Yeas 29; Nays 39.

Yea:

Representatives Anderson, Black (L), Black (M), Bowling, Buskey (JE), Buskey (JL), Clay, Curry, Dolbare, Escott-Russell, Flowers, Higginbotham, Hill, Holladay, Holley, Holmes, Johnson, Kennedy, Knight, Mathis, McDaniel, Millican, Morrow, Newton (C), Parker (T), Rich, Sanderford, Thomas and Warren.

-29

Nay:

Representatives Beasley, Biddle, Box, Butler, Cagle, Carothers, Cosby, Crow, Freeman, Gaines, Gaston, Hall, Hammett, Haney, Harper, Hawkins, Haynes, Hogan, Hooper, Kvalheim, Laird, McDowell, McKee, McMillan, Mikell, Morton, Newman, Penry, Petelos, Powell, Rockhold, Rogers (F), Sanderson, Smith (C), Starkey, Venable, White, Williams and Willis.

-39

MOTION TO ADJOURN LOST

The motion offered by Representative Thomas that the House adjourn until 1:00 o'clock p.m., Tuesday, May 14, 1991, was lost.

Yeas 33; Nays 34.

Yea:

Representatives Anderson, Beasley, Black (L), Black (M), Bowling, Box, Bugg, Cagle, Clay, Crow, Dolbare, Fuller, Hill, Hogan, Holladay, Holmes, Hooper, Kennedy, Laird, Mathis, McClain, McDowell, Morton, Newton (C), Parker (T), Rockhold, Rogers (J), Smith (R), Spratt, Starkey, Thomas, White and Willis.

-33

Nay:

Representatives Biddle, Buskey (JE), Butler, Carothers, Cosby, Cullins, Curry, Escott-Russell, Freeman, Gaines, Gaston, Hall, Hammett, Hawkins, Haynes, Holley, Johnson, Knight, Kvalheim, McDaniel, McKee, McMillan, Mikell, Newman, Penry, Petelos, Powell, Rich, Rogers (F), Sanderford, Sanderson, Smith (C), Venable and Williams.

-34

H. 135 RESUMED**SUBSTITUTE ADOPTED**

The question was then on the adoption of the substitute offered by Representative Carothers to the bill, H. 135, as amended, and the substitute was adopted.

Yeas 62; Nays 2.

Yea:

Representatives Anderson, Biddle, Black (M), Bowling, Box, Butler, Cagle, Carothers, Cosby, Crow, Cullins, Curry, Dolbare, Escott-Russell, Flowers, Freeman, Fuller, Gaines, Gaston, Hall, Hamilton, Haney, Harper, Hawkins, Haynes, Higginbotham, Hogan, Holladay, Hooper, Johnson, Knight, Kvalheim, Laird, Mathis, McClain, McDaniel, McKee, McMillan, Mikell, Millican, Morrow, Morton, Newman, Newton (C), Parker (P), Parker (T), Payne, Penry, Perdue, Petelos, Powell, Rich, Rogers (F), Sanderford, Sanderson, Smith (C), Smith (R), Spratt, Starkey, Thomas, Warren and Willis.

-62

Nay:

Representatives Black (L) and Holmes. - 2

And the bill:

H. 135. To amend Section 1-3-8 of the Code of Alabama 1975 relating to the legal holidays in this state; to provide that National Memorial Day shall be a legal holiday in this state; to provide that Columbus Day shall be observed as a state holiday but will not cause state offices to close; to provide that Thomas Jefferson's birthday shall be observed in conjunction with George Washington's birthday; to provide further for the observance of Mardi Gras in this state; and to provide for personal leave days for state employees in lieu of certain holidays.

as amended, was read a third time at length and passed, and ordered engrossed.

Yeas 67; Nays 2.

Yea:

Representatives Anderson, Biddle, Black (M), Bowling, Box, Buskey (JE), Buskey (JL), Butler, Cagle, Campbell, Carothers, Clay, Cosby, Crow, Cullins, Curry, Dolbare, Escott-Russell, Flowers, Freeman, Gaines, Gaston, Hall, Hamilton, Hancy, Hawkins, Haynes, Higginbotham, Hill, Hogan, Holladay, Holley, Hooper, Johnson, Knight, Kvalheim, Laird, Mathis, McClain, McDaniel, McKee, McMillan, Mikell, Millican, Morton, Newman, Newton (C), Parker (P), Parker (T), Payne, Penry, Perdue, Petelos, Powell, Rich, Rockhold, Rogers (F), Sanderford, Sanderson, Smith (C), Smith (R), Spratt, Starkey, Thomas, Turnham, Warren and Willis.

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Nay:

Representatives Holmes and Morrow.

- 2

PERMISSION GRANTED

Permission was granted for the Journal to reflect that Representative Morrow intended to vote "Yea" on passage of the bill, H. 135.

MOTION TO SUSPEND RULES ADOPTED

On motion of Representative Butler, the rules were suspended in order to take up out of order the Budget Isolation Resolution and the bill, H. 66.

MOTION TO ADJOURN LOST

The motion offered by Representative Holmes that the House adjourn until 1:00 o'clock p.m., Tuesday, May 14, 1991, was lost.

Yeas 29; Nays 37.

Yea:

Mr. Speaker, Bowling, Box, Buskey (JE), Cagle, Campbell, Clay, Crow, Cullins, Dolbare, Escott-Russell, Hamilton, Harper, Hogan, Holladay, Holmes, Kennedy, Laird, Mathis, McClain, McDowell, McKee, Morrow, Newton (C), Rogers (J), Spratt, Starkey, Turner and Willis.

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Nay:

Representatives Biddle, Blakeney, Butler, Carothers, Cosby, Curry, Freeman, Fuller, Gaines, Gaston, Hall, Hammett, Haney, Hawkins, Haynes, Higginbotham, Hill, Holley, Johnson, Knight, Kvalheim, McDaniel, McMillan, Mikell, Morton, Newman, Penry, Petelos, Rich, Rogers (F), Sanderford, Sanderson, Smith (C), Smith (R), Thomas, Venable and Williams.

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H. 66 RESUMED

BUDGET ISOLATION RESOLUTION CARRIED OVER

On motion of Representative Holmes, the Budget Isolation Resolution and the bill, H. 66, were temporarily carried over.

MOTION TO RECONSIDER LOST

Having voted on the prevailing side, Representative Cosby offered the motion to reconsider the vote by which the bill, H. 74, was lost, and the motion to reconsider was lost.

Yeas 26; Nays 37.

Yea:

Mr. Speaker, Carothers, Cosby, Curry, Dolbare, Fuller, Hammett, Harper, Hawkins, Hill, Holladay, Johnson, Knight, Mikell, Morton, Parker (P), Parker (T), Petelos, Powell, Rogers (F), Sanderson, Smith (C), Thomas, Venable, Warren and Williams.

-26

Nay:

Representatives Beasley, Box, Bugg, Buskey (JE), Butler, Cagle, Campbell, Clay, Crow, Escott-Russell, Freeman, Gaines, Gaston, Hall, Haney, Higginbotham, Hogan, Holley, Holmes, Kvalheim, Laird, Mathis, McClain, McDaniel, McDowell, McKee, McMillan, Morrow, Newman, Newton (C), Penry, Rich, Rockhold, Rogers (J), Sanderford, Smith (R) and Willis.

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CERTIFICATE OF CLERK

To the House of Representatives:

I hereby certify that the House Joint Resolutions mentioned were delivered to the Executive Department on the date and hour named and that I hold the receipt of the Executive Department for same.

Delivered to the Governor at 11:27 A.M. on May 9, 1991.

H.J.R. 99

H.J.R. 108

H.J.R. 104

H.J.R. 109

H.J.R. 107

H.J.R. 116

Delivered to the Governor at 12:35 P.M. on May 9, 1991.

H.J.R. 143

H.J.R. 147

H.J.R. 144

H.J.R. 156

H.J.R. 145

Delivered to the Governor at 1:30 P.M. on MAY 9, 1991.

H.J.R. 157

Delivered to the Governor at 3:30 P.M. on May 9, 1991.

H.J.R. 139

GREG PAPPAS
Assistant Clerk

ADJOURNMENT

On motion of Representative Holley and pursuant to the resolution, H.R. 140, heretofore adopted, the House adjourned until 1:00 o'clock p.m., Tuesday, May 14, 1991.

NINTH DAY

**House of Representatives
Montgomery, Alabama
Tuesday, May 14, 1991**

The House met pursuant to adjournment.

PRAYER

The session was opened with prayer by Reverend Terry Crahen, Oak Park Presbyterian Church, Montgomery, Alabama.

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Jean Ann Thigpen, 11th Grade, Greenville High School, Greenville, Alabama.

ROLL CALL

On a call of the roll of the House, the following members answered to their names:

Mr. Speaker, Anderson, Barnes, Beasley, Biddle, Black (L), Black (M), Blakeney, Bowling, Box, Bryant, Bugg, Burke, Buskey (JE), Buskey (JL), Butler, Cagle, Campbell, Carns, Carothers, Carter, Clark (W), Clay, Cosby, Crow, Cullins, Curry, Dolbare, Drake, Escott-Russell, Flowers, Ford, Freeman, Fuller, Gaines, Gaston, Goodwin, Grayson, Gullatt, Hall, Hamilton, Hammett, Haney, Harper, Harvey, Hawkins, Haynes, Higginbotham, Hill, Hogan, Holladay, Holley, Holmes, Hooper, Johnson, Kennedy, Knight, Kvalheim, Laird, Layson, Letson, Lindsey, Mathis, McClain, McDaniel, McDowell, McKee, McMillan, Melton, Mikell, Millican, Morrow, Morton, Newman, Newton (C), Newton (D), Parker (P), Parker (T), Payne, Penry, Perdue, Petelos, Poole, Powell, Rich, Richardson, Rockhold, Rogers (F), Rogers (J), Sanderford, Sanderson, Smith (C), Smith (R), Spratt, Starkey, Thomas, Turner, Turnham, Venable, Walker, Warren, White, Williams, Willis and Zoghby.

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A quorum was present.

REPORT OF STANDING COMMITTEE ON RULES

House of Representatives:

Your Standing Committee on Rules begs leave to report that it has carefully examined the Journal of the House for the eighth legislative day and finds the same to be correct.

TOMMY CARTER
Chairman

On motion of Representative Carter, the reading at length of the Journal of the House for the eighth legislative day was dispensed with, the Report of the Standing Committee on Rules was concurred in and adopted and the Journal for the eighth legislative day was approved.

BILLS ON SECOND READING

Representative Carothers, Chairperson of the Standing Committee on Health, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, with substitute, and it was read a second time and placed on the Calendar, to-wit:

H. 337. (With Substitute): To provide for the prohibition of abortions in the state except to save the life of the mother, or in reported cases of specified rape or incest; to provide certain affirmative defenses for rape and incest; to provide that the woman upon whom the abortion is being performed is not subject to criminal penalties; to provide otherwise criminal penalties for the crime of abortion; to provide certain reporting requirements and criminal penalties for failing to report; and to repeal Section 13A-13-7 of the Code of Alabama 1975.

**REPORT OF THE STANDING COMMITTEE
ON RULES ON ENROLLED AND ENGROSSED BILLS**

Mr. Speaker:

Your Standing Committee on Rules begs leave to report that said committee, in session, has compared the following engrossed bill with the original bill and finds same correctly engrossed, to-wit:

H. 135. To amend Section 1-3-8 of the Code of Alabama 1975 relating to the legal holidays in this state; to provide that National Memorial Day shall be a legal holiday in this state; to provide that Columbus Day shall be observed as a state holiday but will not cause state offices to close; to provide that Thomas Jefferson's birthday shall be observed in conjunction with George Washington's birthday; to provide further for the observance of Mardi Gras in this state; and to provide for personal leave days for state employees in lieu of certain holidays.

TOMMY CARTER
Chairman

And the bill, H. 135, as engrossed, was ordered sent to the Senate.

RESOLUTIONS

The following resolution was introduced:

By Representative Starkey:

H.J.R. 162. NAMING THE "W. C. HANDY MEMORIAL HIGHWAY."

WHEREAS, William Christopher "W. C." Handy was an extremely talented musician and composer whose influence is widespread throughout the full spectrum of popular music; and

WHEREAS, his seminal compositions have earned him the heroic title of "Father of the Blues"; and

WHEREAS, although he was born in Florence, Alabama, W. C. Handy composed his most important and influential works while living in Memphis, among these "Memphis Blues," "St. Louis Blues" and a host of other songs that incorporated jazz-styled instrumentation and ragtime and tango tempos with the 12-bar blues form; and

WHEREAS, while his truly remarkable career was firmly rooted in popular music, W. C. Handy popularized the blues style for white audiences long before the jazz era; and

WHEREAS, one of the first publishers of music by black composers, W. C. Handy was a vital force in popular music and contributed mightily to Memphis' long standing reputation as a Mecca for musicians and composers and as the "birthplace of the blues"; and

WHEREAS, the city of Florence, Alabama, which is the home of W. C. Handy's birthplace and a museum which pays homage to his life and extensive legacy of musical compositions, has initiated efforts to name U. S. Highway 72 from Memphis to Florence in honor of W. C. Handy; and

WHEREAS, the state legislature of Tennessee has adopted and the state legislature of Mississippi has introduced legislation which would make this dream a reality; and

WHEREAS, a similar effort by this legislature would pay tribute to this gifted and highly influential musician and composer and confer upon his work the lasting recognition which it so richly deserves; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That the portion of U. S. Highway 72 in Alabama from Florence to the Mississippi state line, is hereby designated as the "W. C. Handy Memorial Highway" in honor of Mr. Handy's many contributions to popular music.

BE IT FURTHER RESOLVED, That the State Highway Department is authorized to erect and maintain appropriate signs and markers so designating said highway portion.

RESOLVED FURTHER, That copies of this resolution be transmitted to the Director of the Alabama Highway Department; to the clerks of the Senate and House of the state legislatures of Tennessee and Mississippi; and to the Mayor of and the Director of Museum Services for Florence, Alabama.

On motion of Representative Starkey, the rules were suspended and the resolution, H.J.R. 162, was adopted.

Also:

The following resolution was introduced and distributed according to Joint Rule 11:

By Representative White:

H.R. 163. COMMENDING DALE T. GARNER OF BREWTON, ALABAMA, ON HIS OUTSTANDING CAREER IN THE FIELD OF EDUCATION.

Also:

The following resolutions were introduced:

By Representative White:

H.J.R. 164. COMMENDING DALE T. GARNER OF BREWTON, ALABAMA, ON HIS OUTSTANDING CAREER IN THE FIELD OF EDUCATION.

WHEREAS, Dale T. Garner, retiring Superintendent of the Brewton City School System, has distinguished himself in service to education and the Brewton City Schools from 1959-1991; and

WHEREAS, a native of Gadsden, Mr. Garner earned his B.S. degree from Jacksonville State University and a Master's degree from the University of Alabama; and

WHEREAS, Mr. Garner, a former teacher at Gadsden's Emma Sansom High School (1959-64) and principal of T. R. Miller High School in Brewton (1964-66), became Superintendent of the Brewton City School System in 1966, serving continuously in this capacity for the past 25 years; and

WHEREAS, throughout his tenure as Superintendent, Mr. Garner has been instrumental in the progressive, quality education provided to students in the Brewton Schools and, under his leadership, the System has gained statewide regard for its focus on academic excellence coupled with outstanding achievement in music, art and athletics; and

WHEREAS, he has further extended his involvement to include membership and/or office in a number of professional organizations on local, state and national levels, and has been recognized on many occasions for distinguished educational leadership; and

WHEREAS, Dale T. Garner has indeed long and well served the education community and, upon retirement, is to be praised for the accomplishments and contributions of his career; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we hereby commend Dale T. Garner for outstanding service to education and the Brewton City Schools, and direct that

he receive a copy of this resolution, executed in highest regard and with best wishes for every future success and happiness in retirement.

On motion of Representative White, the rules were suspended and the resolution, H.J.R. 164, was adopted.

Also:

By Representative Campbell:

H.R. 165. RULE CHANGE.

BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES, That the rules of the House are amended, as follows:

On Page 12, at the end of Rule 2, by inserting the following: Unless it is otherwise specifically provided for by resolution or motion, the House shall meet at ten o'clock a.m.

On motion of Representative Campbell, the rules were suspended and the resolution, H.R. 165, was adopted.

Also:

By Representative Clay:

H.J.R. 166. COMMENDING JAMES MARTIN OF TUSKEGEE, ALABAMA, FOR OUTSTANDING PROFESSIONAL ACHIEVEMENT.

WHEREAS, herein noted and recognized with highest commendation are the numerous and notable professional accomplishments of James Martin of Tuskegee, Alabama, as educator and coach since 1966; and

WHEREAS, a native of Montgomery and a graduate of that city's Carver High School, James Martin received his B.S. degree from Alabama A&M University and completed extensive post graduate studies in the Doctor of Education program at the University of Alabama; and

WHEREAS, Coach Martin, who has served since 1984 as Director of Athletics and Head Football Coach at Tuskegee University, not only has greatly achieved professionally, but has contributed significantly both to his profession and the community through such distinguished service as Associate Lay Leader at Bowen United Methodist Church; as Advisor to the Fellowship of Christian Athletics and NCAA Volunteers for Youth; as chairman of the NCAA Central Region and the Southern Intercollegiate Athletic Conference (SIAC) Baseball Committees; and through membership and activities of Kappa Alpha Psi Fraternity; and

WHEREAS, in recognition of his many achievements and outstanding service, Coach Martin is the recipient of numerous honors, including 1978 Team Leader for Division II, NCAA All-American Baseball Team; SIAC Baseball Coach of the Year six times from 1974-1983; SIAC Football Coach of the Year and 100%

Wrong SIAC Football Coach of the Year, both in 1987; and, for 1990, was named SIAC Football Coach of the Year, Washington Pigskin Club SIAC Football Coach of the Year, and Birmingham Grid Forecaster Sports Celebrity of the Year; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That in recognition of outstanding achievement and service, we hereby commend Coach James A. Martin of Tuskegee University, for whom a copy of this resolution of sincere honor and esteem shall be provided.

On motion of Representative Clay, the rules were suspended and the resolution, H.J.R. 166, was adopted.

Also:

By Representative Millican:

H.J.R. 167. COMMENDING TONYA TICE OF HAMILTON, ALABAMA, ON OUTSTANDING ACADEMIC AND ATHLETIC ACHIEVEMENTS.

WHEREAS, in a desire to recognize young Alabamians of extraordinary achievement, the Alabama Legislature notes the numerous and notable accomplishments of Tonya Tice, a senior at Hamilton High School and Miss Basketball in Alabama for the 1990-91 season; and

WHEREAS, she excelled in the classroom as well as on the hardwood, having been named to the All-State Academic Team with a 4.0 GPA and a class ranking of seventh; and

WHEREAS, Miss Tice is the recipient of a Bryant-Jordan Student-Athlete Achievement Award and has signed a basketball scholarship with the Auburn University Lady Tigers; and

WHEREAS, a partial listing of her athletic achievements included Most Valuable Player in 3 state tournaments, a career average of 20 points per game and membership on the Converse All-American Team for 1990-91; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we most highly commend and congratulate Tonya Tice of Hamilton, Alabama, on her outstanding academic and athletic achievements and direct that a copy of this resolution be sent to Miss Tice and to the Athletic Department of Hamilton High School.

On motion of Representative Millican, the rules were suspended and the resolution, H.J.R. 167, was adopted.

Also:

By Representative Millican:

H.J.R. 168. COMMENDING CHET FRAZIER OF BRILLIANT, ALABAMA, ON OUTSTANDING ACADEMIC AND ATHLETIC ACHIEVEMENTS.

WHEREAS, Chet Frazier, a senior at Brilliant High School, has distinguished himself as an outstanding student athlete who is salutatorian of his senior class, first team All-State in football, and recipient of a Bryant-Jordan Student-Athlete Achievement Award; and

WHEREAS, Since kindergarten, Chet has excelled in all challenges placed before him, having been double promoted from the second to the fourth grade and continuing, thereafter, an uninterrupted record of academic excellence which culminated in a 4.0 GPA through high school, and an ACT score of 28; and

WHEREAS, he is a leader in all endeavors, having gained the admiration and respect of his teachers, family, peers, church and community; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That in recognition of outstanding academic and athletic achievement, we hereby commend Chet Frazier of Brilliant, Alabama, in whom we are justly proud and for whom a copy of this resolution shall be provided.

BE IT FURTHER RESOLVED, That a copy of this resolution also be forwarded to George A. Wideman, Principal of Brilliant High School.

On motion of Representative Millican, the rules were suspended and the resolution, H.J.R. 168, was adopted.

Also:

By Representative Hamilton:

H.J.R. 169. COMMENDING THE LAUDERDALE COUNTY HIGH SCHOOL GIRLS BASKETBALL TEAM AS THE 1991 STATE 3A GIRLS CHAMPIONS.

WHEREAS, it is in the highest commendation that the Legislature of Alabama congratulates the Lauderdale County Lady Tigers as tops in the state in Class 3A Girls' competition; and

WHEREAS, under the talented leadership and direction of Head Coach Larry Sinyard, who was competently supported by team manager David Kelley and team statistician Larry Turpen, the Lady Tigers finished the season with a remarkable 30-2 record en route to the state championship; and

WHEREAS, the members of the team, each of whom greatly contributed to the outstanding 1991 season are Karen Ridgeway, Shawntell Watkins, Lisa Ghrigsby, Kelley Ridgeway, Staci Hogue, Kristal Turpen, Brandi White, Christa Ball, Marla Blackburn, Shannon Hudson, Mandy Slaton and Michelle Appleton; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That in recognition of outstanding achievement, we hereby most highly commend Coach Larry Sinyard and the Lauderdale County High School Girls Basketball Team as the 1991 State 3A Champions and do further direct that copies of this resolution be provided for appropriate presentation and display at Lauderdale County High School.

On motion of Representative Hamilton, the rules were suspended and the resolution, H.J.R. 169, was adopted.

Also:

By Representative Morrow:

H.J.R. 170. COMMENDING TIMOTHY D. BARNETT OF HALEYVILLE, ALABAMA, ON OUTSTANDING ACADEMIC AND ATHLETIC ACHIEVEMENTS.

WHEREAS, Timothy D. Barnett, a senior at Phillips High School in Bear Creek, Alabama, has distinguished himself as an outstanding student athlete by maintaining a 3.88 GPA, while earning All-State honors in both football and basketball; and

WHEREAS, he is a recipient of a Bryant-Jordan Student-Athlete Achievement Award and has accepted a football scholarship to the University of Alabama after being named to the Dynamite Dozen for football recruiting by the Montgomery Advertiser; and

WHEREAS, Tim Barnett's leadership qualities are reflected in the numerous activities he participated in away from the athletic arenas including Senior Class Vice President, President of Beta Club and Who's Who Among American High School Students; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That in recognition of outstanding academic and athletic achievement, we hereby commend Timothy D. Barnett of Haleyville, Alabama, in whom we are justly proud and for whom a copy of this resolution shall be provided.

BE IT FURTHER RESOLVED, That a copy of this resolution also be forwarded to the Athletic Department of Phillips High School, Bear Creek, Alabama.

On motion of Representative Morrow, the rules were suspended and the resolution, H.J.R. 170, was adopted.

Also:

By Representative Morrow:

H.J.R. 171. COMMENDING MARK FANCHER OF RED BAY HIGH SCHOOL FOR OUTSTANDING ACHIEVEMENT.

WHEREAS, in a desire to recognize young Alabamians of outstanding achievement, the Alabama Legislature notes the numerous accomplishments of Mark Fancher, a senior and scholar-athlete at Red Bay High School who, despite a prolonged battle with Hodgkin's Disease, maintains a 3.7 grade point average and is the recent recipient of a prestigious statewide Bryant-Jordan Scholar-Athlete Achievement Award; and

WHEREAS, the 17-year-old son of Jerry and Judy Fancher, Mark is a first-base starter for the Red Bay High School Tigers, batting near the .300 mark for the season; he also, despite an earlier decision to forego his senior season of football, rejoined the team and was a plus factor in the team's 11-3 season which extended to the state playoff semifinals; and

WHEREAS, since achieving remission of his disease in February 1990, and in addition to Tiger baseball and football, Mark also played American Legion Baseball last summer in Booneville, Mississippi, and worked at Smile-A-Mile, a summer camp in Birmingham for children suffering from cancer; and

WHEREAS, Mark Fancher, who is president of the Beta Club, is a member of the First Baptist Church of Red Bay, where his indomitable spirit, optimism and strong faith are an inspiration to other church youths and these sterling attributes impact in kind upon his classmates at Red Bay High School; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That in recognition of outstanding achievement, we hereby commend Mark Fancher of Red Bay, Alabama, whom we hold in highest regard and for whom a copy of this resolution shall be provided that he may know of our sincere praise and best wishes for his every future success and well-being.

On motion of Representative Morrow, the rules were suspended and the resolution, H.J.R. 171, was adopted.

Also:

By Representative Newton (C):

H.J.R. 172. MOURNING THE DEATH OF DR. JAMES HILLIARD DUNKLIN, III, OF GREENVILLE, ALABAMA.

WHEREAS, it is with a sense of great loss that the Legislature of Alabama grievously records the tragic death of Dr. James Hilliard Dunklin, III, of Greenville, Alabama, on March 10, 1991; and

WHEREAS, a distinguished Greenville physician, Dr. Dunklin served the people of his community in family practice for 34 years; and

WHEREAS, a native of Greenville, his family figured prominently in the molding of the Greenville area since the family's arrival from Greenville, South Carolina, in 1818; Dr. Dunklin was a graduate of the public schools of Greenville, the University of Alabama and Tulane University School of Medicine; he served

his country in World War II in the Air Force; and

WHEREAS, Dr. Dunklin was also well known for his involvements in numerous civic, cultural and community organizations and was a member and past chairman of the administrative board and trustee of the Woodland Heights Methodist Church; and

WHEREAS, he further was a director of the First National Bank, past president of the Greenville Lions Club, and was an active member of the American Board of Family Practice, the American Medical Association, the Medical Association of Alabama and the Alabama Academy of Family Practice; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That even as we mourn his death, we give thanks for the blessing of the life of Dr. James Hilliard Dunklin, III, and extend deepest sympathy to his beloved wife, Mrs. Nancy Rhea Dunklin; daughters, Mrs. Nan Dunklin Hobbs and Mrs. Lynn Dunklin Nielsen; son, James Hilliard Dunklin, IV; and sister, Mrs. Isabel D. Mithen, for whom copies of this resolution of sincere condolence shall be provided.

On motion of Representative Newton (C), the rules were suspended and the resolution, H.J.R. 172, was adopted.

Also:

By Representative Blakeney:

H.J.R. 173. COMMENDING THE DEMOPOLIS ACADEMY GENERALS ON THEIR STATE FOOTBALL CHAMPIONSHIP.

WHEREAS, the Legislature of Alabama most heartily commends Demopolis Academy on the State Class 1A Football Championship in Alabama Independent School Association (AISA) competition; and

WHEREAS, under the talented direction and leadership of Dr. John Niblett, Head Coach, and Assistant Coaches Terry Johnson and Dereck Morrison, the Demopolis Academy Generals posted a perfect 10-0 season record, with a total of 340 points to just 72 for their opponents; and

WHEREAS, the Generals, in the State Play-offs, made a clean sweep in shut-outs, beating Fort Dale 52-0, Springwood 32-0, and Catherine 27-0 in the finals to claim the Championship for Demopolis Academy; and

WHEREAS, the 1991 Championship Generals, each of whom contributed greatly to the Academy's fantastic season and State Title, are Tim Vann, Roger Hoggle, Bill Duke, Jimmy Davis, Billy Joe Webb, Adam Pearson, James Brietling, David Huckabee, Wayne Ray, Tony Nelson, Rob Pearson, John Mayton, Jason Johnson, Eric Pearson, Freddie Webb, Brent King, Brian Fortner, Andy Phillips, Bobby Malone, David Vann, Matt Champion, Josh Niblett, Phillip Carroll and Russell Copeland; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That in recognition of outstanding achievement, we hereby most highly commend the 1A State Football Champions of Demopolis Academy, and do further direct that copies of this resolution be forwarded to Coach Niblett for appropriate presentation and school display.

On motion of Representative Blakeney, the rules were suspended and the resolution, H.J.R. 173, was adopted.

INTRODUCTION OF BILLS

Upon a call of Districts, bills were introduced, severally read one time and referred to appropriate standing committees as follows:

By Representatives Freeman and Butler:

H. 658. To authorize certain employers to purchase workers' compensation insurance with a deductible provision.

COMMITTEE ON WAYS AND MEANS

By Representative Harper:

H. 659. To amend Sections 40-7-1, 40-12-255, 40-12-252, 40-11-1, 40-8-1 and 32-8-2, Code of Alabama 1975, relating to mobile homes, so as to provide for registration and issuance fees for mobile home decals, provide further for ad valorem taxes on the mobile homes, provide for penalties for certain violations, provide for distribution of the fees and provide for certain exemptions from the registration fees.

COMMITTEE ON WAYS AND MEANS

By Representative Harper:

H. 660. To amend Section 40-17-13, Code of Alabama 1975, relating to the disposition of proceeds of the diesel fuel excise tax imposed by article 1 of chapter 17 of Title 40 of the Code of Alabama 1975, so as to provide for the credit of certain amounts to the water safety and seafoods funds of the department of conservation and natural resources.

COMMITTEE ON WAYS AND MEANS

By Representative Harper:

H. 661. To provide for a registration fee for certain boat trailers; to provide for certain penalties; and to provide for the disbursement of the proceeds therefrom.

COMMITTEE ON WAYS AND MEANS

By Representative Harper:

H. 662. To amend Section 40-12-252, Code of Alabama 1975, relating to a tax for certain trailers operated on the public highways of this state, so as to increase certain annual license taxes.

COMMITTEE ON WAYS AND MEANS

By Representative Blakeney (With Notice and Proof):

H. 663. Relating to Marengo County; repealing Act No. 85-467, H. 715, 1985 Regular Session, which provides for an assessment on forest lands for fire protection.

COMMITTEE ON LOCAL LEGISLATION NO. 1

I HEREBY CERTIFY THAT THE NOTICE & PROOF IS ATTACHED TO THE BILL, H. 663, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

GREG PAPPAS, ASSISTANT CLERK

By Representative Freeman:

H. 664. To amend Sections 8-6-10, 8-6-11 and 8-7-6, Code of Alabama 1975, relating to the Alabama Securities Commission, so as to provide further for funding for said commission by increasing certain commission application and investigative fees as well as earmarking certain other existing securities commission application and license fees for use by the commission; and to provide for an appropriation to the Alabama Securities Commission from monies deposited in the Alabama Securities Commission Fund.

COMMITTEE ON WAYS AND MEANS

By Representative Biddle (With Notice and Proof):

H. 665. Relating to Jefferson County, providing for a salary for the statutory chief clerk of the probate court of said county.

COMMITTEE ON LOCAL LEGISLATION NO. 2

I HEREBY CERTIFY THAT THE NOTICE & PROOF IS ATTACHED TO THE BILL, H. 665, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

GREG PAPPAS, ASSISTANT CLERK

By Representatives Haynes, Williams, Warren, Johnson, and Carothers:

H. 666. To amend Section 24-5-2 of the Code of Alabama 1975, relating to mobile homes so as to further define the word dealer and to exclude the occasional

sale by private homeowners and financial institutions.

COMMITTEE ON STATE ADMINISTRATION

By Representative Zoghby:

H. 667. To amend Section 41-9-249, Code of Alabama 1975, as amended, relating to the powers and duties of the Alabama Historical Commission, so as to provide further therefor; to authorize the said commission or its agent to acquire by title, gift, devise or otherwise, or to hold in trust, convey, assign, sell and otherwise dispose of certain properties for historical purposes and other valid purposes of the said commission; to provide for the deposit of net revenues hereby generated to be deposited in the general fund of the state treasury, pursuant to Section 41-9-255, Code of Alabama 1975, as amended, which is the Alabama Historic Preservation Fund; to further provide for the expenditure of funds and the maintenance and upkeep of certain donated and otherwise acquired properties, real and personal.

COMMITTEE ON WAYS AND MEANS

By Representatives Zoghby, Gaston, Kvalheim, Buskey (JE), Turner, Box, Rockhold, Harper, Penry, McMillan, and Kennedy:

H. 668. To create the Energy Reimbursement Fund to be administered by the Alabama Development Office, to provide for the reimbursement to certain qualified manufacturing facilities of a percentage of the cost of energy used by said facilities for a period of up to five years and to create a Legislative Oversight Committee.

COMMITTEE ON WAYS AND MEANS

By Representative Bryant (With Notice and Proof):

H. 669. Relating to Perry County; repealing Act No. 80-492, H. 1040, 1980 Regular Session, as amended, which provides for an assessment on forest lands for fire protection.

COMMITTEE ON LOCAL LEGISLATION NO. 1

I HEREBY CERTIFY THAT THE NOTICE & PROOF IS ATTACHED TO THE BILL, H. 669, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

GREG PAPPAS, ASSISTANT CLERK

By Representative Smith (C) (With Notice and Proof):

H. 670. Relating to Bibb County; repealing Act No. 772, H. 1708, 1973 Regular Session, which provides for an assessment on forest lands for fire protection.

COMMITTEE ON LOCAL LEGISLATION NO. 1

I HEREBY CERTIFY THAT THE NOTICE & PROOF IS ATTACHED TO THE BILL, H. 670, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

GREG PAPPAS, ASSISTANT CLERK

By Representatives Millican, Newman, and Morrow:

H. 671. To amend Sections 9-13-11 and 9-13-12, Code of Alabama 1975, relating to the willful or intentional setting on fire of woodlands or grasslands so as to define the term "incendiary device" and add the word "incendiary" before "device"; to delete the requirement that the property of another be injured by a fire which is allowed to escape in order to constitute a misdemeanor; to delete the word "reasonably" from the phrase "reasonably necessary precautions" and to establish what minimally constitutes "necessary precautions"; to make it a misdemeanor to discard a lighted cigar, cigarette, or match without causing the same to be extinguished; to make it a misdemeanor to knowingly leave a wildfire to burn on one's own land without suppressing the fire or reporting the fire to a fire control agency; to delete certain requirements with respect to obtaining a permit to burn; to change the responsibility for a fire from the person requesting the permit to the person responsible for the fire; to require the person responsible for the fire to keep it confined to the permitted area; to allow the state forester to issue a restricted burning proclamation; and to allow the state forester greater discretion in determining whether to issue burning permits.

COMMITTEE ON JUDICIARY

By Representative Black (M):

H. 672. To amend §2-25-1, Code of Alabama (1975), which defines plants, plant pests, diseases and other definitions used in Chapter 25 to redefine plant pests and noxious weeds, dealers, plants, commissioner and board; to amend §2-25-2 by substituting plant pests and noxious weeds instead of insect pests and diseases in defining the purpose of Chapter 25; to amend §2-25-3 by substituting plant pests and noxious weeds for insect pests and diseases and adding plant pests and other articles capable of harboring plant pests or noxious weeds, and also allowing the commissioner to enter into cooperative agreements with other agencies, which said section defines the duty of the commissioner in protecting the agricultural interests of the state; to amend §2-25-4, which sets out the duties of the board by substituting plant pests and noxious weeds for insect pests and diseases and deleting its authority to enter into cooperative agreements; to amend §2-25-6, which sets up fees for obtaining inspection certificates for nurserymen and nurseries by allowing the state board of agriculture and industries to set fees; to repeal §2-25-7 in its entirety; to amend §2-25-8, which provides for revocation of inspection certificates; to amend §2-25-9, which provides for tagging of nursery stock by deleting those provisions that provide for recognizing out of state tags; to amend §2-25-10 by adding plant pests and noxious weeds to articles prohibited from being introduced into the state; to amend §2-25-13 by adding that plant products entering the state in violation of this law are contraband; to amend §2-25-14 by deleting the word agent; to amend §2-25-15 by substituting the words plant pests and noxious weeds for the words plant disease and insects; to amend

§2-25-16, which prohibits improper destruction of infected plant cuttings, to add the words plant pests and noxious weeds; to repeal §2-25-17 in its entirety; to provide procedures to be used when nursery stock is found to contain plant pests and noxious weeds; to amend §2-25-18, which sets up appeal procedures to be used from an order of the commissioner, to set up requirements for written notice of appeal within 10 days; to repeal §2-25-19 in its entirety; to make unlawful the sale of nursery stock that is not viable and to define viability in nursery stock; to set up procedures for fumigation or treatment of infested plants; to amend §2-25-22, which provides penalties for violation of this Chapter by defining misdemeanor and conferring upon the commissioner the powers of a sheriff in enforcing these laws; to provide for issuance of injunctions for violations; to provide that principals are responsible for their agents' acts; to allow the commissioner to call into consultation specialists at Auburn University; to provide that persons shipping plants shall notify the commissioner if there is a violation.

COMMITTEE ON STATE ADMINISTRATION

By Representative Black (M):

H. 673. To provide further for juvenile court jurisdiction; to provide for courts exercising juvenile jurisdiction in dependency cases and remedies including: the option of entering an order of protection or restraint after notice and hearing, or on an emergency basis without notice, to protect the health or safety of a child through issuance of an order to require persons: to stay away from the home, the child or the family; to vacate the home; to limit visitation rights; to deny access to the home; to refrain from the commission of certain acts; to cooperate with counseling, treatment, or service plans; to obtain and participate in counseling; to restrain abusive, disruptive or harassing behavior; to limit or restrict contact or communication with the child or family; to pay temporary support or the cost of treatment of the child or family; to provide further for issuance of an emergency order without prior notice and hearing followed by a later court hearing within a specified time; to provide that a protective or restraint order, after notice and hearing, may be modified or terminated; to provide for criminal penalties; to provide that person(s) violating such orders may be held in contempt of court and be ordered to pay court costs and attorney fees for wilful conduct; and to provide that the provisions of this act shall be construed in pari materia with sections 30-5-1 through 30-5-11, Code of Alabama 1975, as amended, which is the "Protection From Abuse Act" and other criminal laws relating to child abuse laws, except to the extent there are no conflicts with this act.

COMMITTEE ON JUDICIARY

By Representative Letson (With Notice and Proof):

H. 674. Relating to Lawrence County; providing for the county commission to reimburse the offices of the tax collector, tax assessor, revenue commissioner, license commissioner and the probate judge for any monetary loss resulting from the performance of official duties for errors or mistakes made in good faith, not to exceed a certain maximum per annum; and providing that such funds shall be payable from the general fund of the county.

COMMITTEE ON LOCAL LEGISLATION NO. 1

I HEREBY CERTIFY THAT THE NOTICE & PROOF IS ATTACHED TO THE BILL, H. 674, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

GREG PAPPAS, ASSISTANT CLERK

By Representative Letson (With Notice and Proof):

H. 675. Relating to Lawrence County, to provide for the assessment and collection of an additional court charge on each district and circuit court case filed and to provide for the distribution of the proceeds of said additional charge to the historical commission.

COMMITTEE ON LOCAL LEGISLATION NO. 1

I HEREBY CERTIFY THAT THE NOTICE & PROOF IS ATTACHED TO THE BILL, H. 675, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

GREG PAPPAS, ASSISTANT CLERK

By Representative Letson (With Notice and Proof):

H. 676. Relating to Lawrence County, repealing Act No. 86-380, H. 725, 1986 Regular Session, which provides for the equalization of salaries of certain clerks employed in the offices of certain elected county officials.

COMMITTEE ON LOCAL LEGISLATION NO. 1

I HEREBY CERTIFY THAT THE NOTICE & PROOF IS ATTACHED TO THE BILL, H. 676, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

GREG PAPPAS, ASSISTANT CLERK

By Representative Turnham:

H. 677. To provide that any member of the employees' retirement system of Alabama, who, not more than one year prior to becoming a member of the said system, was a member of the judicial retirement fund, may elect to transfer his creditable service and accumulated contributions from the judicial retirement fund to the employees' retirement system.

COMMITTEE ON WAYS AND MEANS

By Representatives Knight and Hill:

H. 678. To provide that all full-time employees and executive officers of the Developing Alabama Youth Foundation may elect to become members of the Teachers' Retirement System of Alabama; also to provide that said Foundation and its employees shall assume all costs, both contributory and administrative; and that no costs shall devolve upon the state.

COMMITTEE ON WAYS AND MEANS

By Representatives Turnham and Higginbotham (With Notice and Proof):

H. 679. Relating to Lee County, to impose a fee on the rental of video cassettes; to provide for the method of reporting and paying the fee; to provide for a fee for the revenue department for the collection of same; and to provide for penalties for failure to pay.

COMMITTEE ON LOCAL LEGISLATION NO. 1

I HEREBY CERTIFY THAT THE NOTICE & PROOF IS ATTACHED TO THE BILL, H. 679, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

GREG PAPPAS, ASSISTANT CLERK

By Representatives Higginbotham and Turnham (With Notice and Proof):

H. 680. Relating to the City of Opelika; to provide that the City of Opelika shall not exercise police jurisdiction or taxing power in any county unless a part of its corporate limits also lies in the county.

COMMITTEE ON LOCAL LEGISLATION NO. 1

I HEREBY CERTIFY THAT THE NOTICE & PROOF IS ATTACHED TO THE BILL, H. 680, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

GREG PAPPAS, ASSISTANT CLERK

By Representative Fuller:

H. 681. To make child victim of criminal offenses competent witnesses.

COMMITTEE ON JUDICIARY

By Representative Fuller:

H. 682. To require each person who discharges water pollution directly into waters and possesses a water pollution control permit issued pursuant section 22-22-9 of the Code of Alabama 1975, and which contains toxic pollutants to post a conspicuous sign near the point of discharge informing the public of any toxic pollutants contained in such discharges and to provide for findings and for the enforcement of this Act.

COMMITTEE ON WAYS AND MEANS

By Representative Harper:

H. 683. To prohibit political activities by any employee of the office of the attorney general.

COMMITTEE ON WAYS AND MEANS

By Representative Harper:

H. 684. To repeal Section 36-15-5, Code of Alabama 1975, and to provide for additional professional, administrative, clerical personnel and further duties of the Office of the Attorney General and to establish an additional means of funding therefor and to appropriate the Fund herein created.

COMMITTEE ON WAYS AND MEANS

By Representative Harper:

H. 685. To provide for and establish investigators for the Office of the Attorney General; providing for the hiring, salaries, expenses, authority and duties of such investigators.

COMMITTEE ON WAYS AND MEANS

By Representative Curry:

H. 686. To mandate requirements to report instances of abuse by applicable professionals, employees or persons who care for patients and/or residents of care facilities; to establish the procedure of such reporting; to make it illegal to retaliate against an employee or patient who reports patient or resident abuse; to establish procedures to inform care facility employees of the requirements of this act; and to provide for criminal penalties against persons who violate this act.

COMMITTEE ON JUDICIARY

By Representatives Kvalheim, Zoghby, Rockhold, Harper, Gaston, Buskey (JE), Clark (W), and Box:

H. 687. To propose an amendment to the Constitution of 1901, to authorize certain investments of the assets of Class 2 municipality police and fire fighter pension plans.

COMMITTEE ON LOCAL LEGISLATION NO. 3

The above bill was read a first time at length as required by the Constitution.

By Representative Knight:

H. 688. To amend Section 16-54-18, Code of Alabama 1975, relating to the University of Montevallo and certain endowment funds, so as to provide further for the transfer to said funds.

COMMITTEE ON WAYS AND MEANS

CO-SPONSOR REMOVED

At the request of Representative Carns, his name was removed as co-sponsor to the bill, H. 438.

RESOLUTIONS

The following resolution was introduced and distributed according to Joint Rule 11:

By Representative Newton (D):

H.R. 174. MOURNING THE DEATH OF MARY CURGLE FOWLKES OF FAIRFIELD, ALABAMA.

Also:

The following resolution was introduced:

By Representative Zoghby:

H.R. 175. DIRECTING THE ALABAMA COMMISSION ON HIGHER EDUCATION TO STUDY AND MAKE RECOMMENDATIONS CONCERNING CERTAIN PROPRIETARY INSTITUTIONS.

WHEREAS, the Alabama House of Representatives notes that there are approximately 285 proprietary institutions of higher education which are located in every area of the state; and

WHEREAS, there are a number of these institutions that provide bona fide education, training, and placement in employment positions that exceed minimum wage standards; and

WHEREAS, however, there is a growing concern, both nationally and statewide, that some students are not receiving the level of educational instruction that enables them to be gainfully employed and/or to repay the loans they assume to attend the institutions; and

WHEREAS, the State of Alabama wishes to protect the integrity of the reputable proprietary institutions and to protect the education and employment interest of students who enroll in these institutions; now therefore,

BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES OF THE LEGISLATURE OF ALABAMA, That we hereby direct the Alabama Commission on Higher Education to conduct studies and to convene meetings with the State Department of Education, the licensing authority, the representatives of the proprietary sector, and other groups that have interest in the higher education services provided by these institutions in order to develop recommendations to ensure consumer protection for students and prospective students of proprietary institutions.

BE IT FURTHER RESOLVED, That the Commission's recommendations be provided to the Legislature no later than June 26, 1991.

On motion of Representative Zoghby, the rules were suspended and the resolution, H.R. 175, was adopted.

Also:

By Rules Committee:

H.R. 176. BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES; That immediately upon the adoption of this resolution, the following business, in the order set forth below, be made the special and paramount order of business beginning Tuesday, May 14, 1991, the 9th legislative day, taking precedence over any unfinished business and the regular order of business of the House and continuing from day to day until said bills are disposed of:

And the Following Bills:

Inst Id	Page
<u>H. 550</u> - By Clark (J) (As Amended)	77
Provides for Alabama Economic and Developmental Highway system and its trust fund	
<u>H. 551</u> - By Clark (J) (As Amended)	78
Gasoline and diesel fuel inspection fees increased; revenues deposited in Highway Trust Fund, Secs. 8-17-87 and 8-17-91 am'd.	
<u>H. 552</u> - By Clark (J) (As Amended)	79
Motor vehicle licensure and registration fees increased; fees deposited in Highway Trust Fund	
<u>H. 553</u> - By Clark (J) (As Amended)	80
Alabama Uniform Certif. of Title and Anti-theft Act, add'l. fees for processing documents, fees deposited into Highway Trust Fund, Sec. 32-8-6 & 32-8-7 am'd.	
<u>H. 555</u> - By Clark (J)	80
Code Amended, increase amount of outstanding bonds of the Industrial Access Road and Bridge Corporation, Sec. 23-6-8 am'd.	
<u>H. 556</u> - By Clark (J)	81
Traffic law enforcement equipment, approp. from public road and bridge fund of Highway Dept. to Public Safety Dept. for purchase of	

On motion of Representative Carter, the resolution, H.R. 176, was adopted.

Yeas 38; Nays 32.

Yea:

Mr. Speaker, Beasley, Black (L), Black (M), Bowling, Bryant, Campbell, Carothers, Dolbare, Drake, Ford, Fuller, Gullatt, Hamilton, Hammett, Harper, Harvey, Higginbotham, Hill, Holladay, Holley, Hooper, Knight, Mathis, McClain, McDowell, Newman, Newton (C), Parker (P), Parker (T), Powell, Rich, Richardson, Sanderford, Starkey, Turnham, White and Zoghby.

-38

Nay:

Representatives Anderson, Biddle, Box, Buskey (JE), Buskey (JL), Butler, Cagle, Carns, Cosby, Crow, Curry, Flowers, Freeman, Gaines, Gaston, Grayson, Hall, Kennedy, Kvalheim, Layson, McKee, McMillan, Mikell, Morton, Newton (D), Payne, Penry, Petelos, Rogers (F), Sanderson, Warren and Willis.

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SPECIAL ORDER CALENDAR

The House then proceeded with the consideration of the Special Order Calendar.

BUDGET ISOLATION RESOLUTION LOST

The motion offered by Representative Clark (J) to adopt the Budget Isolation Resolution relating to the bill, H. 550, was lost, lacking a three-fifths vote.

Yeas 51; Nays 48.

Yea:

Mr. Speaker, Barnes, Beasley, Black (L), Bowling, Box, Bryant, Burke, Campbell, Carothers, Carter, Clay, Cullins, Drake, Ford, Gullatt, Hamilton, Hammett, Haney, Harper, Harvey, Higginbotham, Hill, Hogan, Holley, Hooper, Knight, Lindsey, Mathis, McClain, McDaniel, McDowell, McMillan, Melton, Newman, Newton (C), Newton (D), Petelos, Powell, Rich, Richardson, Sanderford, Sanderson, Smith (R), Spratt, Starkey, Turner, Turnham, White, Williams and Zoghby.

-51

Nay:

Representatives Anderson, Biddle, Black (M), Buskey (JE), Buskey (JL), Butler, Cagle, Carns, Cosby, Crow, Curry, Dolbare, Flowers, Freeman, Fuller, Gaines, Gaston, Goodwin, Grayson, Hall, Hawkins, Haynes, Holladay, Holmes, Johnson, Kennedy, Kvalheim, Laird, Layson, Letson, McKee, Mikell, Millican,

Morrow, Morton, Parker (P), Parker (T), Payne, Perdue, Poole, Rockhold, Rogers (F), Smith (C), Thomas, Venable, Walker, Warren and Willis.

-48

PERMISSION GRANTED

Permission was granted for the Journal to reflect that Representative Carns inadvertently voted "Yea" on passage of the bill, H. 366.

PERMISSION GRANTED

Permission was granted for the Journal to reflect that Representative Sanderson intended to vote "Yea" on adoption of the resolution, H.R. 176.

BUDGET ISOLATION RESOLUTION CARRIED OVER

On motion of Representative Clark (J), the Budget Isolation Resolution and the bill, H. 551, were temporarily carried over.

BUDGET ISOLATION RESOLUTION CARRIED OVER

On motion of Representative Clark (J), the Budget Isolation Resolution and the bill, H. 552, were temporarily carried over.

BUDGET ISOLATION RESOLUTION CARRIED OVER

On motion of Representative Clark (J), the Budget Isolation Resolution and the bill, H. 553, were temporarily carried over.

BUDGET ISOLATION RESOLUTION CARRIED OVER

On motion of Representative Clark (J), the Budget Isolation Resolution and the bill, H. 555, were temporarily carried over.

BUDGET ISOLATION RESOLUTION CARRIED OVER

On motion of Representative Clark (J), the Budget Isolation Resolution and the bill, H. 556, were temporarily carried over.

MOTION TO SUSPEND RULES ADOPTED

On motion of Representative Clark (J), the rules were suspended in order to bring up uncontested local bills on the Calendar.

BILLS ON THIRD READING

BUDGET ISOLATION RESOLUTION CARRIED OVER

On motion of Representative Curry, the Budget Isolation Resolution and the bill, H. 43, were temporarily carried over.

BUDGET ISOLATION RESOLUTION CARRIED OVER

On motion of Representative Curry, the Budget Isolation Resolution and the bill, H. 44, were temporarily carried over.

BUDGET ISOLATION RESOLUTION

On motion of Representative Penry, the Budget Isolation Resolution relating to the bill, H. 470, was adopted.

Yeas 40; Nays 0.

Yea:

Mr. Speaker, Barnes, Beasley, Black (L), Black (M), Box, Bryant, Buskey (JL), Carothers, Clay, Cosby, Crow, Dolbare, Drake, Freeman, Gaines, Gaston, Hall, Hill, Hooper, Johnson, Kennedy, Knight, Kvalheim, Layson, Mathis, McMillan, Mikell, Morrow, Newman, Newton (D), Penry, Petelos, Poole, Rockhold, Sanderson, Spratt, Starkey, Warren and Willis.

-40

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned, and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

And the bill:

H. 470. Relating to the City of Gulf Shores in Baldwin County, so as to alter, rearrange and extend the boundary lines and corporate limits of the City of Gulf Shores.

was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 40; Nays 0.

Yea:

Mr. Speaker, Barnes, Beasley, Black (L), Black (M), Box, Bryant, Carothers, Clay, Cosby, Crow, Dolbare, Freeman, Gaines, Gaston, Hall, Hawkins, Haynes, Hill, Johnson, Knight, Kvalheim, Layson, Mathis, McMillan, Millican, Morrow, Newman, Parker (P), Parker (T), Penry, Petelos, Poole, Powell, Rogers (F), Sanderford, Sanderson, Smith (C), Spratt and Willis.

-40

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned, and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

BUDGET ISOLATION RESOLUTION

On motion of Representative McMillan, the Budget Isolation Resolution relating to the bill, H. 564, was adopted.

Yeas 33; Nays 0.

Yea:

Representatives Beasley, Box, Bryant, Campbell, Carothers, Cosby, Crow, Dolbare, Gaines, Higginbotham, Hill, Holley, Knight, Mathis, McMillan, Mikell, Millican, Morrow, Morton, Newton (D), Parker (P), Parker (T), Payne, Penry, Petelos, Powell, Rockhold, Rogers (F), Sanderson, Smith (C), Spratt, Turnham and Willis.

-33

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned, and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

And the bill:

H. 564. Relating to Baldwin County, providing further for the mileage reimbursement for the members of the county commission and providing for a retroactive effect.

was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 30; Nays 0.

Yea:

Representatives Box, Campbell, Carothers, Cosby, Curry, Dolbare, Drake, Gaines, Hill, Knight, Layson, Mathis, McMillan, Mikell, Millican, Morrow, Morton, Parker (P), Parker (T), Payne, Penry, Petelos, Powell, Rogers (F), Sanderson, Smith (C), Spratt, Starkey, Turnham and Zoghby.

-30

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned, and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

BUDGET ISOLATION RESOLUTION

On motion of Representative Warren, the Budget Isolation Resolution relating to the bill, H. 588, was adopted.

Yeas 36; Nays 0.

Yea:

Representatives Beasley, Black (M), Box, Buskey (JE), Campbell, Cosby, Crow, Curry, Dolbare, Gaines, Hawkins, Hill, Holley, Knight, Layson, McClain, Millican, Morrow, Morton, Newman, Newton (C), Parker (P), Parker (T), Payne, Petelos, Powell, Rogers (F), Sanderson, Smith (C), Spratt, Starkey, Turnham, Venable, Warren, Willis and Zoghby.

-36

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned, and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

And the bill:

H. 588. (With Substitute): Relating to Monroe County, providing further for the compensation of the sheriff.

was taken up.

The question was then on the adoption of the substitute reported by the Standing Committee on Local Legislation No. 1, said committee substitute being as follows:

**A BILL
TO BE ENTITLED
AN ACT**

Relating to Monroe County; to provide for a temporary expense allowance for the sheriff of Monroe County and for an expiration date thereof; to provide for an adjustment in said compensation; to provide for the manner in which such compensation shall be paid; and to provide for enactment dates for such expense allowance and salary.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

Section 1. In Monroe County, effective immediately, the sheriff is hereby entitled to receive an expense allowance in the amount of ten thousand dollars (\$10,000.00) per annum. Said expense allowance shall be in addition to any and all other compensation heretofore provided by law and shall be payable from the county general fund.

Section 2. The expense allowance provided for by this act shall be paid each month from the treasury of Monroe County, in the same manner as county employees are paid. The sheriff receiving this expense allowance shall not be required to file an accounting thereof.

Section 3. Effective with the beginning of the next term of office, the sheriff is hereby entitled to receive an additional county salary in the amount of ten thousand dollars (\$10,000.00) per annum and the provisions of Section 1 of this act, at that time, shall become null and void. Said county compensation shall be paid out of the general fund of Monroe County in the same manner as other county employees.

Section 4. If there should be enacted a statewide law providing for an increase in the sheriff's salary which, when added to the increase provided for under this act shall exceed \$10,000.00, then the amount of the salary increase provided for under this act shall decrease by the amount in excess of \$10,000.00.

Section 5. All laws or parts of laws which conflict with this act are hereby repealed.

Section 6. The provisions of this act are severable. If any part of this act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 7. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

SUBSTITUTE ADOPTED

And the substitute was adopted.

Yeas 42; Nays 0.

Yea:

Representatives Beasley, Box, Bryant, Buskey (JE), Cagle, Campbell, Carothers, Cosby, Crow, Curry, Dolbare, Drake, Gaines, Hawkins, Haynes, Hill, Hogan, Johnson, Knight, Layson, Letson, McDaniel, Millican, Morrow, Morton, Newman, Newton (C), Parker (P), Parker (T), Payne, Petelos, Poole, Powell, Rogers (F), Sanderson, Smith (C), Spratt, Turnham, Venable, Warren, Willis and Zoghby.

-42

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned, and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

And the bill:

H. 588. Relating to Monroe County; to provide for a temporary expense allowance for the sheriff of Monroe County and for an expiration date thereof; to provide for an adjustment in said compensation; to provide for the manner in which such compensation shall be paid; and to provide for enactment dates for such expense allowance and salary.

as amended, was read a third time at length and passed, and ordered engrossed.

Yeas 42; Nays 0.

Yea:

Representatives Black (L), Black (M), Box, Bryant, Buskey (JE), Campbell, Clay, Cosby, Crow, Cullins, Curry, Gaines, Gaston, Hawkins, Hill, Holley, Knight, Kvalheim, Layson, Lindsey, Millican, Morrow, Morton, Newman, Parker (P), Parker (T), Payne, Penry, Petelos, Powell, Rogers (F), Sanderford, Sanderson, Smith (C), Spratt, Starkey, Thomas, Turnham, Venable, Warren, Willis and Zoghby.

-42

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned, and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

BUDGET ISOLATION RESOLUTION

On motion of Representative Kvalheim, the Budget Isolation Resolution relating to the bill, S. 293, was adopted.

Yeas 44; Nays 0.

Yea:

Representatives Barnes, Beasley, Black (M), Box, Buskey (JE), Buskey (JI.), Cagle, Campbell, Clark (W), Clay, Cullins, Dolbare, Gaines, Gaston, Grayson, Hawkins, Haynes, Hill, Hogan, Holley, Johnson, Kennedy, Kvalheim, Mathis, Melton, Millican, Morrow, Morton, Newman, Newton (C), Newton (D), Parker (P), Payne, Penry, Poole, Richardson, Rogers (F), Sanderson, Smith (C), Spratt, Thomas, Turnham, Willis and Zoghby.

-44

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned, and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

And the bill:

S. 293. Relating to Mobile County; to amend Sections 1 through 9 of Act No. 974, S. 384, Regular Session 1961 (Acts 1961, p. 1550 et seq.); to confer on the Probate Courts of the county general and equity jurisdiction over certain estates concurrent with that of the Circuit Courts; to provide for the powers and authority of the Probate Judges and Chief Clerks of such Probate Courts; and to provide for the pleading and procedure in such estates, the enforcement of orders, judgments and decrees and appeals of same.\

was read a third time at length and passed.

Yeas 42; Nays 0.

Yea:

Representatives Barnes, Black (M), Box, Buskey (JE), Cagle, Campbell, Clark (W), Cullins, Curry, Dolbare, Gaines, Gaston, Grayson, Hawkins, Hill, Hogan, Holley, Kennedy, Knight, Kvalheim, McClain, McDaniel, Millican, Morrow, Morton, Newman, Newton (D), Parker (P), Parker (T), Payne, Penry, Powell, Richardson, Rockhold, Rogers (F), Sanderford, Sanderson, Smith (C), Spratt, Turnham, Willis and Zoghby.

-42

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned, and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

UNFINISHED BUSINESS

The House then proceeded with the consideration of the Unfinished Business.

H. 289 TEMPORARILY CARRIED OVER

On motion of Representative Carothers, the bill, H. 289, was temporarily carried over.

H. 411 TEMPORARILY CARRIED OVER

On motion of Representative Hooper, the bill, H. 411, as amended, on the eighth legislative day, was temporarily carried over.

BILLS ON THIRD READING

BUDGET ISOLATION RESOLUTION CARRIED OVER

On motion of Representative Beasley, the Budget Isolation Resolution and the bill, H. 293, were temporarily carried over.

BUDGET ISOLATION RESOLUTION CARRIED OVER

On motion of Representative Rogers (F), the Budget Isolation Resolution and the bill, H. 342, were temporarily carried over.

BUDGET ISOLATION RESOLUTION CARRIED OVER

On motion of Representative Ford, the Budget Isolation Resolution and the bill, H. 131, were temporarily carried over.

BUDGET ISOLATION RESOLUTION OFFERED

Representative Hawkins offered the motion to adopt the Budget Isolation Resolution relating to the bill, H. 72.

SUBSTITUTE MOTION TO RECOMMIT LOST

The substitute motion offered by Representative Hall to recommit the bill, H. 72, was lost.

Yeas 28; Nays 44.

Yea:

Representatives Anderson, Bugg, Buskey (JE), Cagle, Clark (W), Cullins, Dolbare, Freeman, Goodwin, Grayson, Hall, Haynes, Holley, Holmes, Johnson, Letson, Lindsey, McKee, Millican, Morrow, Newton (C), Poole, Rogers (J), Smith (C), Thomas, Venable, Warren and Zoghby.

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Nay:

Representatives Beasley, Biddle, Black (M), Box, Buskey (JL), Campbell, Carothers, Carter, Crow, Curry, Gaines, Gaston, Gullatt, Hammett, Haney, Hawkins, Higginbotham, Hill, Hooper, Knight, Kvalheim, Layson, Mathis, McClain, McDaniel, Melton, Mikell, Morton, Newman, Parker (T), Payne, Petelos, Powell, Rich, Rockhold, Rogers (F), Sanderford, Sanderson, Smith (R), Spratt, Starkey, Turnham, Walker and Willis.

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PERMISSION GRANTED

Permission was granted for the Journal to reflect that Representative Zoghby intended to vote "Nay" on the substitute motion to recommit the bill, H. 72.

BUDGET ISOLATION RESOLUTION LOST

The question was then on the motion offered by Representative Hawkins to adopt the Budget Isolation Resolution relating to the bill, H. 72, and the motion was lost, lacking a three-fifths vote.

Yeas 50; Nays 35.

Yea:

Mr. Speaker, Beasley, Biddle, Black (L), Black (M), Box, Buskey (JL), Campbell, Carns, Carothers, Cullins, Curry, Drake, Ford, Fuller, Gaines, Gaston, Gullatt, Hamilton, Hammett, Haney, Harvey, Hawkins, Higginbotham, Hill, Kennedy, Knight, Kvalheim, Mathis, McClain, McDaniel, Melton, Mikell, Morton, Newman, Parker (T), Penry, Petelos, Powell, Rich, Rockhold, Rogers (F), Sanderford, Sanderson, Smith (R), Spratt, Starkey, Turnham, Walker and Zoghby.

-50

Nay:

Representatives Anderson, Bryant, Bugg, Buskey (JE), Cagle, Clark (W), Clay, Cosby, Crow, Dolbare, Freeman, Grayson, Hall, Haynes, Hogan, Holladay, Holley, Holmes, Johnson, Laird, Letson, Lindsey, McKee, McMillan, Millican, Morrow, Newton (C), Poole, Rogers (J), Smith (C), Thomas, Turner, Warren, White and Willis.

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REPORT OF THE STANDING COMMITTEE ON RULES ON ENROLLED AND ENGROSSED BILLS

Mr. Speaker:

Your Standing Committee on Rules begs leave to report that said committee, in session, has compared the following engrossed bill with the original bill and finds same correctly engrossed, to-wit:

H. 588. Relating to Monroe County; to provide for a temporary expense allowance for the sheriff of Monroe County and for an expiration date thereof; to provide for an adjustment in said compensation; to provide for the manner in which such compensation shall be paid; and to provide for enactment dates for such expense allowance and salary.

TOMMY CARTER
Chairman

And the bill, H. 588, as engrossed, was ordered sent to the Senate.

BILLS ON THIRD READING RESUMED

BUDGET ISOLATION RESOLUTION

On motion of Representative Johnson, the Budget Isolation Resolution relating to the bill, H. 333, was adopted.

Yeas 54; Nays 4.

Yea:

Representatives Beasley, Black (M), Box, Bugg, Cagle, Campbell, Carothers, Cosby, Crow, Cullins, Curry, Dolbare, Drake, Ford, Fuller, Gaston, Gullatt, Hall, Hammett, Haney, Haynes, Higginbotham, Hill, Hogan, Holladay, Holley, Johnson, Knight, Kvalheim, Laird, Layson, Mathis, McDaniel, McMillan, Mikell, Millican, Morrow, Morton, Newton (C), Parker (P), Parker (T), Petelos, Poole, Powell, Rich, Rogers (F), Sanderford, Smith (C), Smith (R), Starkey, Venable, White, Willis and Zoghby.

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Nay:

Representatives Escott-Russell, Grayson, McClain and Rogers (J).

- 4

MESSAGE FROM THE SENATE

Mr. Speaker:

The President and Presiding Officer of the Senate having signed the following Senate Bill, your signature thereto is requested:

S. 110. To amend Section 34-24-80 and Section 34-24-83, Code of Alabama 1975, relating to the evaluation by the State Board of Medical Examiners of Colleges of Medicine located outside of the United States and the District of Columbia, so as to provide further for such evaluation and the licensing of graduates of such schools.

MCDOWELL LEE
Secretary

SIGNING OF SENATE BILL

The Speaker of the House, in the presence of the House, immediately after the title had been publicly read by the Clerk, the reading at length having been dispensed with by a two-thirds vote of a quorum present, signed the Bill, the title of which is set out in the foregoing Message from the Senate.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has concurred in and adopted the House amendment to the following Senate Bill:

S. 79. To establish the requirements for informed consent for HIV testing; to provide that informed consent shall be implied under certain stated factual circumstances; to provide for counseling, referral to appropriate health care services, and explanation of individual responsibility shall be provided to any individual testing positive for HIV; and to provide for the confidentiality of HIV test results.

MCDOWELL LEE
Secretary

H. 333 TAKEN UP

And the bill:

H. 333. To amend section 38-2-6, Code of Alabama 1975, relating to the duties, powers and responsibilities of the Alabama state department of human resources, so as to provide for establishing rules and standards for inspection and approval of adult foster care homes and adult day care centers and homes.

was taken up.

AMENDMENT OFFERED

Representative Grayson offered the following amendment to the bill, H. 333:

Amend H. 333, page 6, line 3, after the word "homes" by adding the following language: for adults referred and placed by the Department of Human Resources

AMENDMENT ADOPTED

And the amendment was adopted.

Yeas 49; Nays 0.

Yea:

Representatives Anderson, Beasley, Biddle, Black (M), Bryant, Buskey (JE), Cagle, Campbell, Carothers, Cosby, Crow, Cullins, Dolbare, Escott-Russell, Fuller, Gaston, Grayson, Gullatt, Hammett, Haney, Hill, Hogan, Holladay, Holley, Knight, Kvalheim, Layson, Mathis, McKee, McMillan, Mikell, Morrow, Morton, Newman, Newton (C), Newton (D), Parker (T), Payne, Poole, Powell, Rich, Rockhold, Rogers (J), Smith (R), Starkey, Thomas, Venable, Willis and Zoghby.

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned, and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

And the bill, H. 333, as amended, was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 62; Nays 1.

Yea:

Representatives Anderson, Beasley, Black (L), Black (M), Box, Bryant, Burke, Butler, Cagle, Campbell, Carns, Carothers, Clay, Cosby, Crow, Cullins, Dolbare, Fuller, Gaston, Grayson, Gullatt, Hall, Hammett, Haney, Hawkins, Haynes, Hill, Hogan, Holladay, Holley, Johnson, Knight, Kvalheim, Layson, Letson, Mathis, McDaniel, McDowell, McKee, Mikell, Millican, Morrow, Morton, Newman, Newton (C), Parker (P), Penry, Poole, Powell, Rich, Rockhold, Rogers (F), Sanderford, Sanderson, Smith (R), Starkey, Thomas, Venable, Warren, White, Willis and Zoghby.

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Nay:

Representative Escott-Russell.

- 1

MESSAGE FROM THE SENATE

Mr. Speaker:

The President and Presiding Officer of the Senate having signed the following Senate Bill, your signature thereto is requested:

S. 79. To establish the requirements for informed consent for HIV testing; to provide that informed consent shall be implied under certain stated factual circumstances; to provide for counseling, referral to appropriate health care services, and explanation of individual responsibility shall be provided to any individual testing positive for HIV; and to provide for the confidentiality of HIV test results.

MCDOWELL LEE
Secretary

SIGNING OF SENATE BILL

The Speaker of the House, in the presence of the House, immediately after the title had been publicly read by the Clerk, the reading at length having been

dispensed with by a two-thirds vote of a quorum present, signed the Bill, the title of which is set out in the foregoing Message from the Senate.

BILLS ON THIRD READING RESUMED

BUDGET ISOLATION RESOLUTION

On motion of Representative Starkey, the Budget Isolation Resolution relating to the bill, H. 79, was adopted.

Yeas 57; Nays 0.

Yea:

Representatives Anderson, Beasley, Black (L), Black (M), Bryant, Burke, Butler, Cagle, Campbell, Carns, Carothers, Cosby, Crow, Cullins, Dolbare, Escott-Russell, Flowers, Fuller, Gaston, Gullatt, Hammett, Haney, Haynes, Hill, Hogan, Holladay, Holley, Johnson, Knight, Kvalheim, Layson, Mathis, McDaniel, McDowell, McKee, Mikell, Millican, Morrow, Morton, Newman, Newton (C), Parker (T), Payne, Penry, Petelos, Poole, Powell, Rich, Richardson, Rockhold, Rogers (F), Sanderford, Sanderson, Smith (R), Thomas, Venable and Willis.

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And the bill:

H. 79. To amend Section 11-43-80, Code of Alabama 1975, which authorizes a municipal governing body to employ the mayor as superintendent of the municipal utility system, so as to authorize said municipal governing body to establish the mayor's compensation for serving in such position.

was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 67; Nays 0.

Yea:

Representatives Anderson, Beasley, Biddle, Black (L), Black (M), Bryant, Burke, Buskey (JE), Butler, Cagle, Campbell, Carns, Carothers, Carter, Cosby, Crow, Cullins, Curry, Dolbare, Flowers, Ford, Fuller, Gaston, Gullatt, Hall, Hammett, Haney, Hawkins, Haynes, Hill, Hogan, Holley, Johnson, Knight, Kvalheim, Layson, Lindsey, Mathis, McDaniel, McKee, McMillan, Mikell, Millican, Morrow, Morton, Newman, Newton (C), Parker (P), Payne, Penry, Petelos, Poole, Powell, Rich, Richardson, Rockhold, Rogers (F), Rogers (J), Sanderford, Sanderson, Smith (C), Smith (R), Starkey, Thomas, Venable, Warren and Willis.

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RESOLUTIONS

The following resolution was introduced:

By Representative Carothers:

H.R. 177. RELATIVE TO MEETING DAYS

BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES, That when we adjourn today, Tuesday, May 14, 1991, we adjourn to meet again on Thursday, May 16, 1991, at 10:00 a.m.

On motion of Representative Carothers, the rules were suspended and the resolution, H.R. 177, was adopted.

Also:

The following resolution was introduced and distributed according to Joint Rule 11:

By Representatives McDowell and Curry:

H.R. 178. CONGRATULATING JESS LANIER HIGH SCHOOL ON WINNING THE 1990 6A STATE FOOTBALL CHAMPIONSHIP.

BILLS ON THIRD READING RESUMED

BUDGET ISOLATION RESOLUTION CARRIED OVER

On motion of Representative White, the Budget Isolation Resolution and the bill, H. 152, were temporarily carried over.

H. 289 INDEFINITELY POSTPONED

On motion of Representative Carothers, the bill, H. 289, was indefinitely postponed.

BUDGET ISOLATION RESOLUTION

On motion of Representative Gullatt, the Budget Isolation Resolution relating to the bill, H. 170, was adopted.

Yeas 64; Nays 0.

Yea:

Representatives Anderson, Beasley, Black (L), Black (M), Box, Bryant, Bugg, Burke, Buskey (JE), Cagle, Campbell, Carns, Carothers, Clark (W), Crow,

Cullins, Curry, Dolbare, Flowers, Ford, Fuller, Grayson, Gullatt, Hammett, Haney, Hawkins, Haynes, Hill, Hogan, Holladay, Johnson, Knight, Laird, Lindsey, Mathis, McDaniel, McDowell, McKee, McMillan, Mikell, Millican, Morton, Newman, Newton (C), Parker (P), Parker (T), Payne, Penry, Poole, Powell, Rich, Richardson, Rockhold, Rogers (F), Rogers (J), Sanderford, Sanderson, Smith (C), Smith (R), Thomas, Venable, Warren, Willis and Zoghby.

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And the bill:

H. 170. To amend Section 40-16-6, Code of Alabama 1975, which relates to the payment and distribution of financial institution excise taxes, so as to permit all incorporated municipalities to levy privilege license taxes on financial institutions.

was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 68; Nays 3.

Yea:

Representatives Anderson, Beasley, Biddle, Black (L), Black (M), Box, Bryant, Bugg, Burke, Buskey (JE), Campbell, Carns, Carothers, Carter, Clark (W), Cullins, Curry, Dolbare, Flowers, Ford, Freeman, Fuller, Gaines, Gaston, Grayson, Gullatt, Hamilton, Hammett, Haney, Hawkins, Haynes, Higginbotham, Hill, Holladay, Hooper, Johnson, Knight, Kvalheim, Laird, Mathis, McDaniel, McDowell, McKee, Mikell, Morton, Newman, Newton (C), Parker (P), Parker (T), Payne, Penry, Petelos, Powell, Rich, Richardson, Rockhold, Rogers (F), Rogers (J), Sanderford, Sanderson, Smith (C), Smith (R), Starkey, Thomas, Venable, Warren, White and Zoghby.

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Nay:

Representatives Hall, Holley and Morrow.

- 3

BUDGET ISOLATION RESOLUTION

On motion of Representative Lindsey, the Budget Isolation Resolution relating to the bill, H. 314, was adopted.

Yeas 70; Nays 0.

Yea:

Representatives Anderson, Beasley, Biddle, Black (L), Black (M), Bryant, Buskey (JE), Cagle, Campbell, Carns, Carothers, Carter, Crow, Cullins, Curry, Escott-Russell, Ford, Freeman, Fuller, Gaines, Gaston, Grayson, Gullatt, Hall, Hamilton, Hammett, Haney, Harper, Hawkins, Haynes, Higginbotham, Hill, Hogan, Holladay, Holley, Hooper, Johnson, Kennedy, Knight, Kvalheim, Laird, Letson, Lindsey, Mathis, McDaniel, McDowell, Mikell, Morrow, Morton, Newman, Newton (C), Parker (P), Parker (T), Payne, Penry, Poole, Powell, Rich, Richardson, Rockhold, Rogers (F), Rogers (J), Sanderford, Sanderson, Smith (C), Starkey, Thomas, Venable, Willis and Zoghby.

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And the bill:

H. 314. To amend Section 11-45-2, Code of Alabama 1975, so as to provide that in all towns and in cities of less than 12,000 population, no ordinance or resolution, intended to be of permanent operation shall be valid unless, on its final passage, a majority of the members elected to the council, including the mayor, shall vote in its favor.

was taken up.

AMENDMENT OFFERED

Representative Lindsey offered the following amendment to the bill, H. 314:

Amend H. 314 on Page 1, Section 1, line 32, after the words "inserting the" by inserting the following: name

AMENDMENT ADOPTED

And the amendment was adopted.

Yeas 70; Nays 0.

Yea:

Representatives Anderson, Beasley, Biddle, Black (L), Black (M), Bryant, Buskey (JE), Cagle, Campbell, Carns, Carothers, Carter, Clay, Crow, Cullins, Curry, Escott-Russell, Freeman, Fuller, Gaines, Gaston, Grayson, Gullatt, Hall, Hamilton, Hammett, Haney, Harper, Hawkins, Higginbotham, Hill, Hogan, Holladay, Holley, Hooper, Johnson, Knight, Kvalheim, Laird, Lindsey, Mathis, McClain, McDaniel, McMillan, Mikell, Millican, Morrow, Morton, Newman, Newton (C), Parker (P), Parker (T), Payne, Penry, Powell, Rich, Richardson, Rockhold, Rogers (F), Rogers (J), Sanderford, Sanderson, Smith (C), Starkey, Thomas, Venable, Warren, White, Willis and Zoghby.

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And the bill, H. 314, as amended, was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 73; Nays 0.

Yea:

Representatives Anderson, Beasley, Biddle, Black (L), Black (M), Box, Bryant, Buskey (JE), Butler, Cagle, Carns, Carter, Clark (W), Clay, Crow, Cullins, Curry, Dolbare, Escott-Russell, Ford, Freeman, Fuller, Gaines, Gaston, Grayson, Gullatt, Hall, Hamilton, Hammett, Haney, Harper, Hawkins, Haynes, Higginbotham, Hill, Hogan, Holladay, Holley, Johnson, Knight, Kvalheim, Laird, Lindsey, McClain, McDaniel, McDowell, McMillan, Morrow, Morton, Newman, Newton (C), Parker (P), Payne, Penry, Petelos, Poole, Powell, Rich, Richardson, Rockhold, Rogers (F), Rogers (J), Sanderford, Sanderson, Smith (C), Spratt, Starkey, Thomas, Venable, Warren, White, Willis and Zoghby.

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BUDGET ISOLATION RESOLUTION

On motion of Representative Ford, the Budget Isolation Resolution relating to the bill, H. 131, was adopted.

Yeas 54; Nays 22.

Yea:

Representatives Beasley, Black (L), Box, Bryant, Bugg, Buskey (JL), Butler, Campbell, Carns, Carter, Clark (W), Cullins, Dolbare, Escott-Russell, Ford, Freeman, Gaines, Gaston, Grayson, Gullatt, Hall, Hamilton, Haney, Harvey, Hawkins, Hooper, Kvalheim, Letson, Lindsey, McClain, McDowell, McKee, McMillan, Mikell, Millican, Morrow, Morton, Newman, Parker (P), Parker (T), Payne, Penry, Poole, Powell, Rich, Richardson, Sanderford, Sanderson, Smith (C), Smith (R), Warren, White, Willis and Zoghby.

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Nay:

Representatives Anderson, Biddle, Black (M), Buskey (JE), Cagle, Carothers, Cosby, Crow, Hammett, Haynes, Hogan, Holley, Johnson, Knight, Laird, Layson, Mathis, Newton (C), Newton (D), Rockhold, Rogers (F) and Thomas.

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H. 131 CARRIED OVER

On motion of Representative Freeman, the bill, H. 131, was carried over to the eleventh legislative day.

H. 411 TAKEN UP

And the bill:

H. 411. (With Amendment): To provide for a means to safeguard the public against injury and loss of life or the interruption of public services caused by damage to various underground facilities by communicating and coordinating adequate prior notification of excavation or demolition activities that might damage or interrupt services provided by certain underground facilities; to prohibit certain activities without first having ascertained the location of any potentially affected underground facilities; to prescribe procedures for notification of an intent to undertake certain activities; to prescribe certain activities to be included in an underground damage prevention program; to authorize formation of a public corporation for a statewide "One-Call Notification System" and to provide for its directors, powers and general administrative procedures; to prescribe procedures for response to both emergency and routine notification and for reporting damage resulting from certain activities; to prescribe civil penalties for violations and exceptions to such penalties; to provide for the liberal construction and severability of any part of this act and to provide that this act shall become effective on January 1, 1992.

which previously was temporarily carried over was taken up.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has concurred in and adopted the following House Joint Resolution and returns same herewith to the House:

H.J.R. 128. INVITING GENERAL WILLIAM S. CHEN AND GENERAL JOHN S. PEPPERS TO ADDRESS A JOINT SESSION OF THE LEGISLATURE.

MCDOWELL LEE
Secretary

ADJOURNMENT

On motion of Representative Grayson and pursuant to the resolution, H.R. 177, heretofore adopted, the House adjourned until 10:00 o'clock a.m., Thursday, May 16, 1991.

TENTH DAY

**House of Representatives
Montgomery, Alabama
Thursday, May 16, 1991**

The House met pursuant to adjournment.

PRAYER

The session was opened with prayer by Mike Kolen, Montgomery Athletic Club, Montgomery, Alabama.

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Joy Rockhold, 3rd Grade, Home School, Mobile, Alabama.

ROLL CALL

On a call of the roll of the House, the following members answered to their names:

Mr. Speaker, Anderson, Barnes, Beasley, Biddle, Black (I.), Black (M), Blakeney, Bowling, Box, Bryant, Bugg, Burke, Buskey (JE), Buskey (JL), Cagle, Campbell, Carns, Carothers, Carter, Clark (W), Clay, Cosby, Crow, Cullins, Curry, Dolbare, Drake, Escott-Russell, Flowers, Ford, Freeman, Fuller, Gaines, Gaston, Goodwin, Grayson, Gullatt, Hall, Hamilton, Hammett, Haney, Harper, Harvey, Hawkins, Haynes, Higginbotham, Hill, Hogan, Holladay, Holley, Holmes, Johnson, Kennedy, Knight, Kvalheim, Laird, Layson, Letson, Lindsey, Mathis, McClain, McDaniel, McDowell, McKee, McMillan, Melton, Mikell, Millican, Morrow, Morton, Newman, Newton (C), Newton (D), Parker (P), Parker (T), Payne, Penry, Perdue, Petelos, Poole, Powell, Rich, Richardson, Rockhold, Rogers (F), Rogers (J), Sanderford, Sanderson, Smith (C), Smith (R), Spratt, Starkey, Thomas, Turner, Turnham, Venable, Walker, Warren, White, Williams, Willis and Zoghby.

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A quorum was present.

REPORT OF STANDING COMMITTEE ON RULES

House of Representatives:

Your Standing Committee on Rules begs leave to report that it has carefully

examined the Journal of the House for the ninth legislative day and finds the same to be correct.

TOMMY CARTER
Chairman

On motion of Representative Carter, the reading at length of the Journal of the House for the ninth legislative day was dispensed with, the Report of the Standing Committee on Rules was concurred in and adopted and the Journal for the ninth legislative day was approved.

LEAVES OF ABSENCE

At the request of Representative Burke, leave of absence was granted for Representative Butler.

Also:

At the request of Representative McKee, leave of absence was granted for Representative Hooper.

RESOLUTIONS

The following resolutions were introduced:

By Representative Carter:

H.R. 179. RELATIVE TO MEETING DAYS

BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES, That when we adjourn today, Thursday, May 16, 1991, we adjourn to meet again on Tuesday, May 21, 1991, at 1:00 p.m.

On motion of Representative Carter, the rules were suspended and the resolution, H.R. 179, was adopted.

Also:

By Representative Carter:

H.J.R. 180. RELATIVE TO MEETING DAYS

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That when the two houses adjourn today, Thursday, May 16, 1991, they adjourn to meet again on Tuesday, May 21, 1991.

On motion of Representative Carter, the rules were suspended and the resolution, H.J.R. 180, was adopted.

REPORT OF STANDING COMMITTEE ON RULES

Representative Carter, Chairman of the Standing Committee on Rules, reported that said Committee, in session, had acted on the following resolution and ordered same returned to the House with a favorable report, with substitute and amendment:

H.J.R. 76. ESTABLISHING A HIGHER EDUCATION TASK FORCE TO REVIEW, EVALUATE AND RECOMMEND LEGISLATIVE REFORMS NEEDED TO ACCOMPLISH A UNIFIED FINANCIAL AID PACKAGE FOR ALABAMA CITIZENS.

The question was then on the adoption of the substitute reported by the Standing Committee on Rules, said committee substitute being as follows:

ESTABLISHING A HIGHER EDUCATION TASK FORCE TO REVIEW, EVALUATE AND RECOMMEND LEGISLATIVE REFORMS NEEDED TO ACCOMPLISH A UNIFIED FINANCIAL AID PACKAGE FOR ALABAMA CITIZENS.

WHEREAS, the Legislature of Alabama notes that the Alabama Commission on Higher Education shall serve in an advisory capacity to the Legislature and the Governor in respect to all matters pertaining to state funds for the operation and the allocation of funds for capital improvements of state supported institutions of higher education; and

WHEREAS, there is growing interest in providing qualified college-bound students with financial assistance; and

WHEREAS, there are numerous scholarship and grant programs being provided by this Legislature throughout the Special Educational Trust Fund budget; and

WHEREAS, the Alabama Commission on Higher Education is the state's designated agency for the Guaranteed Student Loan Program and already administers some of these student financial assistance programs; and

WHEREAS, Act No. 90-95, H.J.R. 168, 1990 Regular Session, requested that the Alabama Commission on Higher Education provide an analysis of the state supported student financial assistance available to students and prospective students of institutions of higher learning and recommendations about the adequacy of these financial aid programs; and

WHEREAS, the Alabama Commission on Higher Education provided the requested analysis in June 1990, which indicated that because the various student financial assistance programs were established at different times and for different purposes, the goals and funding for these programs are not coherent and balanced; and

WHEREAS, the overall program of support for student financial assistance programs should be planned and consistent with current needs of society and the

students; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That there is hereby established a higher education task force to review and evaluate student financial assistance and recommend legislative reforms needed to accomplish a unified financial aid package for Alabama citizens.

BE IT FURTHER RESOLVED, That the task force shall consist of one member of the House of Representatives to be appointed by the Speaker; one member of the Senate to be appointed by the Lieutenant Governor; the Chancellor of the Alabama Department of Postsecondary Education or his designee; the Executor Director of the Alabama Commission on Higher Education or his designee; the Chairman of the Pre-Paid Tuition Board or his designee; the President of the Council for the Advancement of Private Colleges in Alabama or his designee; and the President of the Alabama Association of Student Financial Aid Administrators.

RESOLVED FURTHER, That a copy of this resolution be provided forthwith to the Alabama Commission on Higher Education.

H.J.R. 76 TEMPORARILY CARRIED OVER

On motion of Representative Carter, the resolution, H.J.R. 76, the pending committee substitute and amendment were temporarily carried over.

BILLS ON SECOND READING

Representative Harper, Chairperson of the Standing Committee on Ways and Means, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, with amendment, and it was read a second time and placed on the Calendar, to-wit:

H. 683. (With Amendment): To prohibit political activities by any employee of the office of the attorney general.

Representative Harper, Chairperson of the Standing Committee on Ways and Means, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, and they were severally read a second time and placed on the Calendar, to-wit:

H. 684. To repeal Section 36-15-5, Code of Alabama 1975, and to provide for additional professional, administrative, clerical personnel and further duties of the Office of the Attorney General and to establish an additional means of funding therefor and to appropriate the Fund herein created.

H. 685. To provide for and establish investigators for the Office of the Attorney General; providing for the hiring, salaries, expenses, authority and duties of such investigators.

Representative Harper, Chairperson of the Standing Committee on Ways and Means, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, with substitute, and it was read a second time and placed on the Calendar, to-wit:

H. 301. (With Substitute): To propose a self-executing amendment to the Constitution of Alabama of 1901, as amended, that will declare the will of the people of the State of Alabama to secure the preservation and enjoyment of natural lands and waters that are a part of their natural heritage; to create by such amendment a permanent trust to be known as the Alabama Forever Wild Land Trust for the acquisition, protection and preservation of such lands and waters for conservational and recreational purposes; to create a board of trustees to govern said trust; to determine the powers of said board of trustees; to provide that such lands and waters acquired by said trust will be acquired and managed in accordance with standards assuring maximum public use and enjoyment consistent with the nature of such resources; to guarantee that the acquisition and conservation program of such trust will not impair existing property rights or interfere with needs of utilities and other business organizations having the power to condemn property for public use and necessity; to provide a stable source of funding for said trust from certain oil and gas capital payments to be received by the State in the future; to establish special accounts as part of said trust to provide for a natural heritage program and to ensure proper stewardship of such lands and waters acquired by said trust; to provide for donations of property to said trust, dedication of natural areas, and conservation restrictions and easements; to coordinate the funding of said trust with commitments previously made by law to the counties and municipalities of the State for funds derived from the Alabama Trust Fund; and to create county and municipal improvement funds as a permanent part of the Alabama Trust Fund.

The above bill was read a second time at length as required by the Constitution.

Representative Higginbotham, Chairperson of the Standing Committee on Judiciary, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, with amendment, and it was read a second time and placed on the Calendar, to-wit:

H. 41. (With Amendment): To establish certain due process rights for persons under investigation by the department of human resources for alleged child abuse and/or neglect.

Representative Higginbotham, Chairperson of the Standing Committee on Judiciary, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, with substitute, and it was read a second time and placed on the Calendar, to-wit:

H. 517. (With Substitute): To amend the Alabama Juvenile Justice Act, Sections 12-15-1, 12-15-33 and 12-15-65, Code of Alabama 1975, so as to define further the term "Delinquent Act"; to provide further for the transfer of certain cases to the juvenile court from other courts; and to provide further for the proceeding to allow a child to withdraw from school.

10th Day

Representative Higginbotham, Chairperson of the Standing Committee on Judiciary, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, and it was read a second time and placed on the Calendar, to-wit:

H. 471. To amend Section 13A-7-29 of the Code of Alabama 1975, relating to the crime of criminal littering so as to provide further for punishment.

Representative Higginbotham, Chairperson of the Standing Committee on Judiciary, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, with substitute and amendment, and it was read a second time and placed on the Calendar, to-wit:

H. 73. (With Substitute) (With Amendment): To provide that the Department of Public Safety shall suspend the driver's license of any person convicted or adjudicated of violating Sections 13A-12-202, 13A-12-203, 13A-12-204, 13A-12-211, 13A-12-212, 13A-12-213, 13A-12-214, 13A-12-215, or 13A-12-231, Code of Alabama 1975.

Representative Higginbotham, Chairperson of the Standing Committee on Judiciary, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, with substitute, and they were severally read a second time and placed on the Calendar, to-wit:

H. 76. (With Substitute): To further provide for the rules of the road; to prohibit any person, without authority, from possessing any highway or county or municipal traffic sign, signal, warning, guide board, milepost or marker; and to prescribe that any violation shall be a misdemeanor penalty.

H. 491. (With Substitute): Relating to implied warranties which apply to the sale of new residential real estate and the waiver of implied warranties; to provide the intent of the legislature regarding this act; to provide that a purchaser of new residential real property may agree implied warranties shall not apply to such transactions; to provide legally sufficient language to exclude such transactions from implied warranties; to provide for an effective date of this law; to provide for the repeal of inconsistent laws or parts of laws; and to provide for the severability of this act.

Representative Thomas, Chairperson of the Standing Committee on State Administration, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, with substitute, and it was read a second time and placed on the Calendar, to-wit:

H. 514. (With Substitute): To amend sections 22-9-1, 22-9-11, 22-9-12, 22-9-30, 22-9-33 through 22-9-35, 22-9-50, 22-9-51, 22-9-70, 22-9-72, 22-9-73 and 22-9-79, relating to the Vital Statistics section to provide for a modernized system using existing technology for the collection, processing, registration and certification of vital records; to provide for an office of vital statistics and a statewide system of vital statistics; to provide for the appointment and duties of a state registrar; to establish local registration districts and local registrars; to provide for

birth registration including for infants of unknown parentage, delayed birth registration and judicial procedures to establish facts of birth; to provide for death registration including delayed death registration, fetal death reports and authorization for final disposition; to provide for marriage and divorce registration; to establish procedures for amendment of vital records, disclosure of information from vital records, reproduction of vital records and copies and data from vital records; to establish fees for copies and searches for vital records; and to provide penalties for violation of this act; and to repeal sections 22-9-9, 22-9-10, 22-9-31, 22-9-32, 22-9-71 and 22-9-74 through 22-9-78.

Representative Beasley, Chairperson of the Standing Committee on Business and Labor, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, with amendment, and it was read a second time and placed on the Calendar, to-wit:

H. 591. (With Amendment): To require certain minimum deposits into an irrevocable trust fund of proceeds of sales of interment spaces in an endowment or perpetual care cemetery; to require a minimum deposit into an irrevocable trust fund by any person establishing endowment or perpetual care cemeteries after the effective date of this act, or by any person operating endowment or perpetual care cemeteries on the effective date of this act; to provide for the supervision and control of such trust funds; to provide for the penalties for violation; for enforcement and supervision by the district attorneys of the several judicial circuits; and for related purposes.

Representative Beasley, Chairperson of the Standing Committee on Business and Labor, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, with amendments, and it was read a second time and placed on the Calendar, to-wit:

H. 587. (With Amendments): To provide for the revision of the Alabama Workmen's Compensation Law; to amend Title 25, chapter 5, articles 1, 2, 3, 4, and 9 by providing further for the general provisions, definitions and procedures, compensation by civil action and elective compensation under contracts of employment, compensation for occupational diseases in general and workers' compensation self-insurers guaranty association; to establish a workers' compensation specialist program and to establish a program providing for administrative law judges for disputed claims; to repeal sections 25-5-6, 25-5-12, 25-5-16, 25-5-81, 25-5-88, 25-5-89, 25-5-91, 25-5-92, 25-5-93 and sections 25-5-140 through 25-5-180, Code of Alabama 1975; and to provide for certain implementation dates for various sections of the act.

Representative Carothers, Chairperson of the Standing Committee on Health, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, and it was read a second time and placed on the Calendar, to-wit:

H. 394. Requiring the statewide administrative control, supervision and regulation including certain registration and licensing of the practice of barbering and styling, teaching of barbering, barbers, barber instructors, barber students, barber apprentices, barbershops, and barber schools; creating a state barber and

stylist board for such purpose; prescribing the powers and duties of said board; abolishing all local county barber boards or commissions; providing penalties for violations; repealing or superseding all laws, whether general, general of local application, special or local, which conflict with this act; providing for exceptions; and specifically repealing sections 34-5-1 through 34-5-16 of the Code of Alabama 1975.

Representative Carothers, Chairperson of the Standing Committee on Health, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, with substitute, and they were severally read a second time and placed on the Calendar, to-wit:

H. 296. (With Substitute): To amend Section 34-23, , Code of Alabama 1975, which covers Third Party Prescription Programs (or do we amend Insurance Code).

H. 299. (With Substitute): To amend Section 34-23, , Code of Alabama 1975, which covers Third Party Prescription Programs (or do we amend Insurance Code).

Representative Carothers, Chairperson of the Standing Committee on Health, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, with amendment, and it was read a second time and placed on the Calendar, to-wit:

H. 418. (With Amendment): To create the Respiratory Care Act and to provide for definitions, qualifications, examination, and licensing of persons administering respiratory care and for waivers from examination and licensing; to provide for the powers, duties and responsibilities of the Alabama State Board of Respiratory Care; to provide for the appointment, term, qualification and meetings of the board; to create a special fund for receipts collected by the board; to provide for the administration of said fund; to make appropriations from the Alabama State Board of Respiratory Care Fund to the Alabama State Board of Respiratory Care; to provide for issuance and renewal of licenses and temporary licenses; to provide for prohibited acts and penalties; to provide for fees; to provide for causes and procedures for disciplinary action; to prohibit false representation of licensure; to provide criminal penalties for certain violations; to provide for exemptions; and to provide for related matters.

Representative Carothers, Chairperson of the Standing Committee on Health, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, and they were severally read a second time and placed on the Calendar, to-wit:

H. 480. To amend Section 36-18-2 of the Code of Alabama 1975, relating to reports of the state toxicologist, so as to provide for the admissibility of certain reports in civil court actions.

H. 549. To provide a simplified procedure for the amendment of certificates of incorporation or certificates of reincorporation of health care authorities in order to authorize every health care authority to increase the number of members

on its board of directors and provide for their appointment.

H. 654. To provide that this bill shall be known as the Rooming and Boarding Home Act of 1991; to establish a statewide registry of all those rooming homes, boarding homes, and assisted living facilities including those licensed by either the State Board of Health or other state and local agencies; to empower the State Board of Health to investigate complaints and violations of this act and give the State Board of Health authority to request a search warrant to investigate rooming and boarding homes; to give the Board of Health subpoena power and provide other procedural powers to enable it to conduct investigations under this act; to provide for administrative fines and penalties for enforcement; to empower the Board of Health to issue cease and desist orders to persons and facilities who violate this act; to further empower the Board to seek injunctive relief against any person or facility who violates this act; to provide for criminal penalties for noncompliance with its provisions; to require other state and local agencies which license, approve, permit, or certify rooming homes, boarding homes, and assisted living facilities to enter into a memorandum of understanding with the State Board of Health to identify facilities which should be placed on the statewide registry of rooming homes, boarding homes, and assisted living facilities.

Representative Parker (P), Chairperson of the Standing Committee on Education, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, and it was read a second time and placed on the Calendar, to-wit:

H. 315. To grant certain rights to public school employees pertaining to their own personnel records, and to establish other regulations regarding said records.

Representative Parker (P), Chairperson of the Standing Committee on Education, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, with amendments, and it was read a second time and placed on the Calendar, to-wit:

H. 636. (With Amendments): To amend Section 16-11-2, Code of Alabama, 1975, pertaining to city boards of education so as to further provide for such boards; to establish residency requirements; to allow city-wide referendums; to set dates of elections and referendums; to establish ballot language; to set terms of office; to provide for vacancies; to provide for districts; to ratify and confirm existing elected city board of education; and to repeal certain provisions.

Representative Parker (P), Chairperson of the Standing Committee on Education, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, and it was read a second time and placed on the Calendar, to-wit:

H. 628. To amend Sections 44-1-73 and 44-1-75, Code of Alabama 1975, relating to the youth services department special school district to permit the district to provide education in juvenile detention facilities.

Representative Parker (P), Chairperson of the Standing Committee on Education, reported that said Committee in session had acted on the following bill

and ordered same returned to the House with a favorable report, with substitute and amendment, and it was read a second time and placed on the Calendar, to-wit:

H. 460. (With Substitute) (With Amendment): To amend Sections 16-28-3, 16-28-7, 16-28-9, and 16-28-11, Code of Alabama, 1975, relating to compulsory school attendance, enrollment, and reporting so as to lower the minimum compulsory attendance age from seven to age five.

Representative Lindsey, Chairperson of the Standing Committee on Agriculture, Forestry and Natural Resources, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, with substitute and amendment, and it was read a second time and placed on the Calendar, to-wit:

H. 655. (With Substitute) (With Amendment): To amend Section 41-23-1, Code of Alabama 1975, pertaining to the Department of Economic and Community Affairs, so as to establish the Office of Water Resources as a division of the Department of Economic and Community Affairs; to authorize the Office of Water Resources to take necessary steps to study and evaluate the water resources of the state; to establish the Alabama Water Resources Commission; to authorize the Alabama Water Resources Commission to promulgate rules and regulations for the Office of Water Resources; to authorize the Office of Water Resources to negotiate agreements or compacts with other states regarding the waters of the state; to authorize the Office of Water Resources to monitor the use of the water resources of the state; to grant the Office of Water Resources the authority to encourage the efficient use and development of the water resources of the state; and, to appropriate funds for the activities of the Office of Water Resources and the Alabama Water Resources Commission.

Representative Lindsey, Chairperson of the Standing Committee on Agriculture, Forestry and Natural Resources, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, with substitute, and it was read a second time and placed on the Calendar, to-wit:

H. 656. (With Substitute): To establish the Alabama Water Resource Development Fund; to provide for the administration and use of the fund; to provide for user fees; and to authorize the commission.

Representative Lindsey, Chairperson of the Standing Committee on Agriculture, Forestry and Natural Resources, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, and they were severally read a second time and placed on the Calendar, to-wit:

H. 108. To amend Section 9-11-150, Code of Alabama 1975, which prohibits the use of certain fishing gear within certain areas, so as to provide further for such prohibition.

H. 496. To amend §2-14-1, Code of Alabama (1975) by defining the terms

"board" and "pest"; to amend §§2-14-2, 2-14-4, 2-14-5, 2-14-6, 2-14-9, 2-14-10, 2-14-11, 2-14-12, 2-14-13 and 2-14-14, Code of Alabama (1975), by replacing the term "infectious and contagious diseases" to read "pests"; to amend Section 2-14-3 to allow the State Board of Agriculture and Industries to set registration fees from \$5 up to \$150; to prohibit the movement of honeybees into Alabama upon determination of threat of pests to the honeybee industry in Alabama.

Representative Lindsey, Chairperson of the Standing Committee on Agriculture, Forestry and Natural Resources, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, with amendment, and it was read a second time and placed on the Calendar, to-wit:

H. 510. (With Amendment): To amend Section 2-6A-1 by changing commission to department of agriculture and industries; to repeal Sections 2-6A-2, 2-6A-3, 2-6A-4, 2-6A-5 and 2-6A-6 which set up a farm crisis and transition commission and its operation; to set up a farm crisis and transition program under the department of agriculture and industries and to give the commissioner of agriculture and industries the power to employ staff and to conduct the program; to allow the adoption of regulations; to provide for the transfer of all personnel, equipment and files from the farm crisis and transition commission into the department of agriculture and industries; to allow the commissioner of agriculture and industries to accept contributions from any public or private source.

Representative Lindsey, Chairperson of the Standing Committee on Agriculture, Forestry and Natural Resources, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, and they were severally read a second time and placed on the Calendar, to-wit:

H. 499. To amend Section 2-3-22 which states that the operation of any facility or market constructed under this article shall be under the commissioner of agriculture and industries and that he is empowered to employ personnel in the unclassified service to now allow the commissioner to employ one person in the unclassified service for each market owned, controlled, or managed by the board or department of agriculture and industries.

H. 582. Relating to the licensing and bonding of dealers in agricultural products; to define dealers, products, commissioner, producers, and persons; to exempt certain persons from the provisions of this bill; to require that a dealer in agricultural products be licensed and said license shall cost from \$50 to \$200; to require that dealers be bonded or have a bond equivalent in amounts of not less than \$1,000 to \$50,000; to provide for denying, suspending or revoking a dealer license; to provide for hearing after there has been a denial, suspension or revocation of a license and to also provide for appealing orders rendered pursuant to a hearing; to provide for payment of agricultural products purchased within five days after an accounting or a receipt has been issued; to provide for the keeping of records and for inspection of sale and the inspection of produce purchased; to make the violation of this bill a class "C" misdemeanor and granting the Commissioner the powers of a peace officer in the enforcement of said bill; to provide for injunctive relief; to expressly repeal Chapter 29 of Title 2 providing for the per-

mitting and bonding of farm product commission merchants.

Representative Lindsey, Chairperson of the Standing Committee on Agriculture, Forestry and Natural Resources, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, with substitute, and it was read a second time and placed on the Calendar, to-wit:

H. 585. (With Substitute): To prohibit any commercial aquaculture activities in the inland public waters of the State of Alabama regulated by the Game and Fish Division of the Department of Conservation and Natural Resources, to define "commercial aquaculture"; and to provide penalties for the violation thereof.

Representative Hooper, Chairperson of the Standing Committee on Commerce, Transportation and Utilities, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, with substitute, and they were severally read a second time and placed on the Calendar, to-wit:

H. 604. (With Substitute): To provide for the organization of a public corporation to be known as the Alabama International Airport Authority; to provide for the appointment of the members of the authority; to designate the officers and members of the board of directors; to provide that the state treasurer shall be custodian of the funds of the authority; to prescribe the powers of the authority including the power of eminent domain, the power to assess and collect fines, the power to appoint police officers, and the power to issue bonds or notes and to use the proceeds for any of its corporate purposes; to provide that such bonds or notes may be payable from one or more specified sources; to provide for the form of such bonds; to authorize the authority to issue refunding bonds; to provide that bonds issued or contracts entered into by the authority shall not create a debt or obligation of the state or any of its subdivisions unless so provided by amendment to the state constitution; to provide for the publication of notice of any resolution by the authority for the issuance of bonds and specifying a time after such publication in which actions and defenses may be asserted against said bonds; to provide that the authority may accept and expend federal, state, county, municipal, or other moneys made available to it to accomplish its corporate purposes; to provide that no civil action shall be brought or maintained against the authority or any of its directors for the negligence of the authority, its directors, or any of its agents, servants or employees; to provide that any political subdivision, public corporation, or instrumentality of the state may aid and cooperate with the authority; to provide that the bonds of the authority shall be legal investments for the state, all public officers, municipal corporations, political subdivisions, public corporations, public bodies, financial institutions, insurance companies and fiduciaries; to exempt the authority, its bonds, its income and its property from all state, county and municipal taxation; to exempt the authority from all laws from which airport authorities organized pursuant to article 2 of chapter 3 of title 4, Code of Alabama 1975, are exempt; to provide the authority with zoning powers; to provide conditions on the annexation of the authority's airports, airport facilities, other facilities and properties; to provide for the sale and distribution of alcoholic beverages and the regulation and control thereof within the authority's airports, airport facilities and other facilities; to provide that

authority employees shall participate in the state employees' retirement system; to provide for the disposal of lost money or property found on authority property; to provide for the regulation of parking on authority property; and to provide for the dissolution of the authority.

H. 595. (With Substitute): Providing for a construction industry craft training program in state-supported vocational, technical and trade schools and other facilities for training potential workers with necessary skills for success in this industry; providing that such program shall be supervised and administered by a board of directors; prescribing the composition, term, duties and authority of such board; imposing a certain surcharge on construction industry building permits to finance this program; providing for the collection, administration and disposition of such surcharges; authorizing said board to promulgate and implement administrative rules and procedures to carry out the provisions of this act; and providing that this act shall become effective on October 1, 1991.

Representative Hooper, Chairperson of the Standing Committee on Commerce, Transportation and Utilities, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, and it was read a second time and placed on the Calendar, to-wit:

H. 627. To create a State of Alabama Rapid Rail Transit Commission; and to provide for its membership and duties.

Representative Gullatt, Chairperson of the Standing Committee on Local Government, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, with substitute and amendment, and it was read a second time and placed on the Calendar, to-wit:

H. 506. (With Substitute) (With Amendment): To authorize municipalities or counties when unincorporated territory is involved to acquire sites, purchase and construct homeless shelters, halfway houses and emergency housing, and affordable single and multi-family dwellings; to receive funds for said use; to sell and issue bonds; to execute mortgages and deeds; to appropriate or lend funds to any public or private not-for-profit corporation created to fund such housing and dwellings; to join other municipalities in the exercise of such powers; to require that all construction authorized pursuant to this act shall be performed by a licensed general contractor; and to require said construction shall be subject to the state competitive bid laws.

Representative Spratt, Chairperson of the Standing Committee on Highway Safety, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, with amendment, and it was read a second time and placed on the Calendar, to-wit:

H. 601. (With Amendment): To provide for the licensing and issuing of county permits for every fortune-teller, clairvoyant, palmist, astrologer, phrenologist, character reader, spirit medium, absent treatment healer or mental healer and every person engaged in any occupation of a similar nature.

Representative Spratt, Chairperson of the Standing Committee on Highway Safety, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, and they were severally read a second time and placed on the Calendar, to-wit:

H. 570. To amend section 32-5A-110, Code of Alabama 1975, relating to the right-of-way for motor vehicles, so as to provide that a vehicle which approaches an unmarked intersection from a highway which terminates at such intersection shall yield to any other vehicle at any such intersection.

H. 597. To provide for the employment, powers, and duties of police officers of the University of Montevallo.

Representative Bowling, Chairperson of the Standing Committee on Local Legislation No. 1, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, and they were severally read a second time and placed on the Calendar, to-wit:

H. 473. Relating to Baldwin County; to impose excise taxes on persons, corporations, copartnerships, companies, agencies and associations engaged in the business of selling, distributing, storing or withdrawing from storage, for any purpose whatever, gasoline and motor fuel and substitutes therefor in said county; to provide for the collection and payment of such taxes and to provide for the distribution and the use of the funds derived therefrom; to authorize the Baldwin County Commission to make reasonable rules and regulations for the collection of such taxes; to provide for the enforcement of this act and to fix the penalty for the violation of any provision of this act and of the rules and regulations prescribed by the Baldwin County Commission for the collection of said taxes; and to authorize the county commission to levy two separate one-cent motor fuel taxes in the future.

H. 577. To alter, rearrange and extend the boundary lines and corporate limits of the Town of Wedowee in Randolph County, so as to include the industrial park.

H. 578. Providing further for the compensation and expense allowances or other benefits of the superintendent of education of Morgan County upon the expiration of the current term of office; repealing conflicting laws or parts of laws; and specifically repealing Act. No. 87-257, H. 183, 1987 Regular Session (Acts 1987, p. 360).

H. 589. Relating to Clarke County; providing further for an expense allowance for members of the county commission.

Representative Zoghby, Chairperson of the Standing Committee on Local Legislation No. 3, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, and they were severally read a second time and placed on the Calendar, to-wit:

H. 612. Relating to Mobile County, authorizing residents to construct and maintain a permanent mailbox on the right-of-way of a county highway and

authorizing residents to use all lawful means to protect said mailbox from vandalism.

H. 687. To propose an amendment to the Constitution of 1901, to authorize certain investments of the assets of Class 2 municipality police and fire fighter pension plans.

The above bill was read a second time at length as required by the Constitution.

REPORT OF THE STANDING COMMITTEE ON RULES ON ENROLLED AND ENGROSSED BILLS

Mr. Speaker Pro Tem:

Your Standing Committee on Rules begs leave to report that it has examined the following House Joint Resolution, to-wit:

H.J.R. 128. INVITING GENERAL WILLIAM S. CHEN AND GENERAL JOHN S. PEPPERS TO ADDRESS A JOINT SESSION OF THE LEGISLATURE.

And finds same correctly enrolled.

TOMMY CARTER
Chairman

SIGNING OF HOUSE JOINT RESOLUTION

The Speaker Pro Tem of the House, in the presence of the House, immediately after the title had been publicly read by the Clerk, the reading at length having been dispensed with by a two-thirds vote of a quorum present, signed the House Joint Resolution, the title of which is set out in the foregoing Report of the Standing Committee on Rules.

H.J.R. 76 RESUMED

SUBSTITUTE ADOPTED

And the substitute was adopted.

The question was then on the adoption of the amendment reported by the Standing Committee on Rules, said committee amendment being as follows:

Amend Substitute to House Joint Resolution 76, on Page 2, Line 21, after the words "Lieutenant Governor;" by inserting the following language: Chairman of the Council of Presidents or his designee;

AMENDMENT ADOPTED

And the amendment was adopted.

RESOLUTION ADOPTED

On motion of Representative Knight, the resolution, H.J.R. 76, as amended, was adopted.

H. 672 REREFERRED

No objection being offered, the Speaker rereferred the bill, H. 672, from the Standing Committee on State Administration to the Standing Committee on Agriculture, Forestry and Natural Resources.

RESOLUTIONS

The following resolutions were introduced:

By Representatives Turnham, Anderson, Barnes, Beasley, Biddle, Black (L), Black (M), Blakeney, Bowling, Box, Bryant, Bugg, Burke, Buskey (JE), Buskey (JL), Butler, Cagle, Campbell, Carns, Carothers, Carter, Clark (J), Clark (W), Clay, Cosby, Crow, Cullins, Curry, Dolbare, Drake, Escott-Russell, Flowers, Ford, Freeman, Fuller, Gaines, Gaston, Goodwin, Grayson, Gullatt, Hall, Hamilton, Hammett, Haney, Harper, Harvey, Hawkins, Haynes, Higginbotham, Hill, Hogan, Holladay, Holley, Holmes, Hooper, Johnson, Kennedy, Knight, Kvalheim, Laird, Layson, Letson, Lindsey, Mathis, McClain, McDaniel, McDowell, McKee, McMillan, Melton, Mikell, Millican, Morrow, Morton, Newman, Newton (C), Newton (D), Parker (P), Parker (T), Payne, Penry, Perdue, Petelos, Poole, Powell, Rich, Richardson, Rockhold, Rogers (F), Rogers (J), Sanderford, Sanderson, Smith (C), Smith (R), Spratt, Starkey, Thomas, Turner, Venable, Walker, Warren, White, Williams, Willis and Zoghby:

H.J.R. 181. RECOGNIZING THE FAMILIES OF ALABAMA'S MILITARY PERSONNEL WHO SERVED IN DESERT SHIELD/DESERT STORM, AND DESIGNATING A DAY OF TRIBUTE IN THEIR HONOR.

WHEREAS, the Alabama Legislature, in recognizing the valor and sacrifice of Alabama's Desert Storm veterans, also recognizes the significant sacrifices of their families remaining at home, while their loved ones fought to regain and secure the precious gifts of freedom and hope seized by military might from the citizens and families of Kuwait; and

WHEREAS, in commendation of these families' selfless support of their loved ones in the Persian Gulf, it is the desire of the Legislature that public acknowledgment be made of their sacrifice and courage, and that such tribute be made in an appropriate manner of statewide significance; and

WHEREAS, many of Alabama's local governments, businesses, corporations and other organizations are cognizant as well of the emotional and financial deprivations suffered by these many families throughout our state, and it is anticipated that these groups also would wish to support and participate in an appropriate observance of recognition; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That in the State of Alabama, June 21, 1991, is hereby designated as a special day of honor and occasion of tribute to the families of Alabama's Desert Shield/Desert Storm service personnel who have served and are serving in the Persian Gulf.

BE IT FURTHER RESOLVED, That all county commissions and city and town councils in Alabama are prevailed upon to pass similar resolutions in support of this endeavor; that all Alabamians are urged to fly the American Flag on this special day; and that Alabama businesses, corporations and other organizations are encouraged to join in united support of said June 21, 1991, observance.

RESOLVED FURTHER, That this special day of tribute culminate with the Alabama Sports Festival IX "Take Pride in America Celebration" opening ceremonies on June 21, 1991, 7:00 p.m.-8:00 p.m., at the Birmingham-Jefferson County Civic Center.

On motion of Representative Turnham, the rules were suspended and the resolution, H.J.R. 181, was adopted.

Also:

By Representative Turnham:

H.J.R. 182. COMMENDING SARA FRANCES GROGAN CRUMPTON UPON RETIREMENT FROM STATE SERVICE, JULY 1, 1991.

WHEREAS, the July 1, 1991, retirement of Sara Frances Grogan Crumpton of Montgomery brings to a close a distinguished tenure of 24 years and one month in service to the State of Alabama and, since October 1972, as executive secretary for the State Licensing Board for General Contractors; and

WHEREAS, Mrs. Crumpton, upon completion of college in the late forties, worked with the State Highway Department's accounting division for approximately two years and was later reemployed, in the mid-fifties, in the same position where she remained for some three additional years; and

WHEREAS, she also worked for the Alabama House of Representatives during the 1959 legislative session and, in 1960, was appointed executive secretary to Montgomery City Police Commissioner L. B. Sullivan, during which employment period she was a volunteer worker with the George C. Wallace presidential gubernatorial campaigns; and

WHEREAS, Mrs. Crumpton, beginning in 1968, entered full-time employ-

ment with the Wallace for President Campaign and, also in that same year, became personal secretary to Governor Wallace, holding that position until October 1972 and her appointment as executive secretary to the State Licensing Board for General Contractors; and

WHEREAS, in addition to career responsibilities, however, Mrs. Crumpton was actively involved in numerous school, civic and other community affairs, including Parent-Teacher organizations, secretary to the Davis Elementary School PTO, Girl Scouts as a troop leader and citywide cookie chairman, American Heart Association fund-raising and local director for the Alabama Heart Association, and, for the past 15 years, has served the State Contractors' Licensing Agencies in such capacities as vice president, president of the national association, and as a member of the group's board; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That in commendation of distinguished service to the State of Alabama for 24 years and in active community leadership; we hereby express highest praise of Sara Frances Grogan Crumpton of Montgomery, Alabama, for whom a copy of this resolution shall be provided.

On motion of Representative Turnham, the rules were suspended and the resolution, H.J.R. 182, was adopted.

Also:

By Representatives Flowers and Laird:

H.J.R. 183. ADVISING CONGRESS OF THE LEGISLATURE'S STANCE REGARDING CERTAIN PROVISIONS OF THE MCCARRAN-FERGUSON ACT OF 1945.

WHEREAS, Congress and the President enacted the McCarran-Ferguson Act of 1945 to assure the continuance of strong insurance markets to serve consumers and business and to encourage economic growth; and

WHEREAS, a fundamental provision of that act is the limited anti-trust exemption afforded the business of insurance; and

WHEREAS, that limited exemption has allowed for strong state regulation of insurance premium rates through prior approval or price competition; and

WHEREAS, that limited exemption has allowed state legislatures to establish Fair Access to Insurance Requirements (FAIR) plans which have made essential fire and other insurances available to inner city residents and businesses; and

WHEREAS, that limited exemption has allowed for the establishment of Market Assistance Programs (MAPs) which have helped Main Street businesses and municipal governments obtain essential liability insurance, especially during the insurance crisis of 1985-86; and

WHEREAS, the limited exemption has allowed for the cost efficient sharing

of data, thereby helping new and smaller businesses to compete for customers with established and larger insurers and, thereby, encouraging economic growth and employment opportunities as well as increased marketplace competition benefiting consumers; and

WHEREAS, other organizations of state legislators including the National Conference of State Legislators (NCSL), the Council of State Governments (CSG), the American Legislative Exchange Council (ALEC), the National Conference of Insurance Legislators (NCOIL) and the National Black Caucus of State Legislators (NBCSL) have each adopted similar resolutions; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That the Alabama Legislature favors continuance of the limited anti-trust exemption for the business of insurance as presently provided in the McCarran-Ferguson Act of 1945, and opposes H.R. 9/S. 430.

BE IT FURTHER RESOLVED, That a copy of this resolution be forwarded forthwith to each member of the Alabama Congressional Delegation.

On motion of Representative Flowers, the rules were suspended and the resolution, H.J.R. 183, was adopted.

Also:

By Representatives Carothers, Beasley and Mathis:

H.J.R. 184. MOURNING THE DEATH OF REVEREND WILLIE F. THOMPSON OF DOTHAN, ALABAMA.

WHEREAS, in sentiment of great sorrow, the Legislature of Alabama records the lamentable death of Reverend Willie F. Thompson of Dothan, Alabama, on April 6, 1991; and

WHEREAS, a native of Hartford, Alabama, and the son of the late A. J. and Hattie Williams Thompson, Reverend Willie F. Thompson was preceded in death by three sisters and two brothers; and

WHEREAS, on December 19, 1947, he was united in Holy Matrimony with Gladys J. Griffin and to this union, four children were born; a son, William Julius Thompson preceded his father in death; and

WHEREAS, Reverend Thompson began his ministerial career under the jurisdiction of the late Bishop I. H. Bonner, Presiding Elder J. C. Jarrett and Reverend W. H. Smith; and

WHEREAS, Reverend Thompson received three pastoral appointments prior to his appointment as Presiding Elder of the Camden-Prattville District of the Alabama Conference Ninth Episcopal District in which capacity he served faithfully for eleven years; and

WHEREAS, in addition to a loving and devoted wife, Mrs. Gladys J. Thompson, Reverend Thompson is survived by three daughters, Catherine J. Robinson, Gloria A. Brooks and Melinda S. Culpepper; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That even as we mourn his death, we give thanks for the life of Reverend Willie F. Thompson of Dothan, Alabama, and do further direct that a copy of this resolution be forwarded to his wife and children; to his six grandchildren; and to other family members and friends that they all may know of our concern for them, and that we sincerely share the sorrow of their great and grievous loss.

On motion of Representative Carothers, the rules were suspended and the resolution, H.J.R. 184, was adopted.

Also:

By Representative Millican:

H.J.R. 185. COMMENDING ROY BRANDON FRAZIER OF HALEYVILLE, ALABAMA, ON OUTSTANDING ACADEMIC AND ATHLETIC ACHIEVEMENTS.

WHEREAS, Roy Brandon Frazier, a senior at Haleyville High School, has distinguished himself as an outstanding student athlete who is a recent recipient of a Bryant-Jordan Student-Athlete Achievement Award; and

WHEREAS, Brandon Frazier is an exceptional young man who has achieved success after success against overwhelming odds, having overcome seemingly insurmountable obstacles with self-reliance, a courageous spirit and positive action; and

WHEREAS, he is currently maintaining an academic average of 96.07 which he compiled while participating in varsity football and tennis at Haleyville High School; and

WHEREAS, Brandon has faced life's problems with determination and a challenging spirit and has strived to be "the best he can be"; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That in recognition of outstanding academic and athletic achievement, we hereby commend Roy Brandon Frazier of Haleyville, Alabama, in whom we are justly proud and for whom a copy of this resolution shall be provided.

BE IT FURTHER RESOLVED, That a copy of this resolution also be forwarded to George A. Wideman, Principal of Haleyville High School.

On motion of Representative Millican, the rules were suspended and the resolution, H.J.R. 185, was adopted.

Also:

By Representatives McMillan and Penry:

H.J.R. 186. COMMENDING GEORGE PERVY THAMES, BALDWIN COUNTY MAN OF THE YEAR FOR 1990.

WHEREAS, the Honorable George Pervy Thames grew up in Baldwin County, Alabama, and graduated from Robertsdale High School; and

WHEREAS, Mr. Thames has spent many years in service to other residents of Baldwin County and Alabama; and

WHEREAS, Mr. Thames has served in the capacities of Justice of the Peace, Inferior Court Judge and as Mayor of Robertsdale, Alabama; and

WHEREAS, Mr. Thames has been an active member of the Robertsdale United Methodist Church; and

WHEREAS, Mr. Thames has been an active member of the Baldwin County Cattlemen's Association, serving as president; the Alabama Cattlemen's Association, serving as honorary lifetime vice president; and is a past president of the Alabama Livestock Market Association; and

WHEREAS, Mr. Thames served as manager of the Baldwin County Cattle and Fair Association and assisted with 4-H, FHA, and FFA shows and sales in South Alabama; and

WHEREAS, Mr. Thames is past master of Robertsdale Masonic Lodge No. 821 and past patron of Thursa Chapter 237 of the Eastern Star; and

WHEREAS, Mr. Thames has always exhibited love and concern for his fellowman through his numerous acts of kindness and assistance; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, that Mr. George Pervy Thames is hereby commended on his recognition as Man of the Year for 1990 by the Central Baldwin Chamber of Commerce, and it is herein directed that he receive a copy of this resolution of sincere praise and regard.

On motion of Representative McMillan, the rules were suspended and the resolution, H.J.R. 186, was adopted.

Also:

By Representative Layson:

H.J.R. 187. EXTENDING THE COST AND EXPENSE ALLOWANCE FOR THE LEGISLATIVE FORESTRY STUDY COMMITTEE

WHEREAS, the Legislative Forestry Study Committee, established by the

Alabama Legislature, has had many meetings, hearings and its members have conducted an exhaustive study into every facet of Alabama's forestry program; and

WHEREAS, it is in the best interest of the Alabama Legislature to have this committee do additional studies and research into the area of its responsibilities; now therefore

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, that there is hereby allocated an additional sum sufficient to cover the costs and expense allowances authorized for the committee, not to exceed \$10,000, which shall be paid from any funds appropriated for the use of the Legislature.

The resolution, H.J.R. 187, was read and referred to the Standing Committee on Rules.

Also:

By Representatives Campbell, Carothers, Harper, Carter, Higginbotham, Clark (J), Fuller, Freeman, Starkey, Warren, White, Williams, Holley, Morrow, Millican, Bowling, Turner, Hall and Mathis:

H.R. 188. ELECTING CLERK OF HOUSE OF REPRESENTATIVES

BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES, That William Greg Pappas be elected as Clerk of the House of Representatives.

H.R. 188 TEMPORARILY CARRIED OVER

On motion of Representative Carothers, the resolution, H.R. 188, was temporarily carried over.

Also:

The following resolutions were introduced and distributed according to Joint Rule 11:

By Representatives Box and Gaston:

H.R. 189. COMMENDING THE SPIRIT OF SATSUMA BAND ON THEIR ACCOMPLISHMENTS OF THE PAST FOUR YEARS.

Also:

By Representatives Box and Zoghby:

H.R. 190. COMMENDING THE MCGILL-TOOLEN HIGH SCHOOL GIRLS' GOLF TEAM FOR OUTSTANDING ACHIEVEMENT.

Also:

By Representatives Box and Zoghby:

H.R. 191. COMMENDING THE MCGILL-TOOLEN HIGH SCHOOL GIRLS' TRACK TEAM ON THEIR STATE CLASS 6A CHAMPIONSHIP.

Also:

By Representative Cullins:

H.R. 192. COMMENDING DWIGHT CARLISLE OF ALEXANDER CITY FOR DISTINGUISHED SERVICE AS PRESIDENT AND CHIEF EXECUTIVE OFFICER OF THE RUSSELL CORPORATION.

Also:

By Representatives Newton (D) and Spratt:

H.R. 193. MOURNING THE DEATH OF DR. WAYMAN MATHERSON

BILLS ON THIRD READING

BUDGET ISOLATION RESOLUTION

On motion of Representative Buskey (JL), the Budget Isolation Resolution relating to the bill, H. 159, was adopted.

Yeas 74; Nays 0.

Yea:

Mr. Speaker, Anderson, Barnes, Beasley, Biddle, Black (M), Bowling, Bryant, Bugg, Burke, Buskey (JE), Buskey (JL), Cagle, Campbell, Carns, Carothers, Carter, Clark (W), Crow, Cullins, Curry, Dolbare, Flowers, Ford, Freeman, Gaines, Gaston, Gullatt, Hall, Hamilton, Haney, Harper, Hawkins, Higginbotham, Hill, Hogan, Holladay, Kennedy, Knight, Kvalheim, Laird, Letson, Lindsey, Mathis, McClain, McDaniel, McDowell, McKee, McMillan, Melton, Millican, Morrow, Morton, Newman, Newton (C), Parker (P), Payne, Petelos, Powell, Rich, Rockhold, Rogers (F), Rogers (J), Sanderford, Sanderson, Smith (C), Smith (R), Spratt, Starkey, Walker, Warren, White, Willis and Zoghby.

-74

And the bill:

H. 159. Relating to the Alabama Sunset Law; to continue the existence and functioning of the board of examiners of landscape architects with certain modifications; to amend the following sections of the Code of Alabama 1975, for

the purposes stated: Section 34-17-5, to authorize disciplinary actions by the board for violations of chapter 17, Title 34, and rules and regulations of the board; Section 34-17-20, to require a program of continuing education; Section 34-17-21, to require applicants to have completed certain educational or practical requirements prior to applying for certification by the board and to provide further for temporary certificates of the board; and Section 34-17-25, to provide further for certain fees of the board.

was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 82; Nays 0.

Yea:

Mr. Speaker, Anderson, Barnes, Beasley, Biddle, Black (M), Bowling, Box, Bryant, Bugg, Burke, Buskey (JE), Buskey (JL), Cagle, Campbell, Carns, Carothers, Carter, Clark (W), Crow, Cullins, Curry, Dolbare, Flowers, Ford, Freeman, Fuller, Gaines, Gaston, Gullatt, Hall, Hamilton, Haney, Harper, Hawkins, Haynes, Higginbotham, Hill, Hogan, Holladay, Holley, Johnson, Kennedy, Knight, Kvalheim, Laird, Letson, Lindsey, Mathis, McClain, McDaniel, McDowell, McMillan, Melton, Millican, Morrow, Morton, Newman, Newton (C), Newton (D), Parker (P), Payne, Perdue, Petelos, Poole, Powell, Rich, Rockhold, Rogers (F), Rogers (J), Sanderford, Sanderson, Smith (C), Smith (R), Spratt, Starkey, Venable, Walker, Warren, White, Willis and Zoghby.

-82

BUDGET ISOLATION RESOLUTION

On motion of Representative Buskey (JL), the Budget Isolation Resolution relating to the bill, H. 160, was adopted.

Yeas 53; Nays 4.

Yea:

Mr. Speaker, Anderson, Barnes, Beasley, Black (M), Blakeney, Box, Bryant, Buskey (JE), Buskey (JL), Campbell, Carothers, Clark (W), Clay, Cosby, Crow, Cullins, Curry, Dolbare, Flowers, Fuller, Gaines, Gaston, Gullatt, Hamilton, Hawkins, Haynes, Hill, Holladay, Holmes, Johnson, Kennedy, Knight, Kvalheim, Mathis, McClain, McMillan, Mikell, Morrow, Morton, Newman, Newton (C), Newton (D), Parker (P), Perdue, Petelos, Poole, Richardson, Rogers (J), Sanderson, Smith (C), Smith (R) and Willis.

-53

Nay:

Representatives Hall, Haney, Harvey and Laird.

- 4

RECESS

On motion of Representative McDowell, the House recessed.

HOUSE RECONVENED

The House reconvened. The Speaker called the House to order.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has passed the following House Bill and returns same herewith to the House:

H. 466. To amend Sections 24-7-2 and 24-7-3 of the Code of Alabama 1975, which provide for the Mowa Choctaw Housing Authority, so as to provide further for the appointment of members of the Authority and to provide further for the duties and powers of the Authority.

MCDOWELL LEE
Secretary

**REPORT OF THE STANDING COMMITTEE
ON RULES ON ENROLLED AND ENGROSSED BILLS**

Mr. Speaker Pro Tem:

Your Standing Committee on Rules begs leave to report that it has examined the following House Bill, to-wit:

H. 466. To amend Sections 24-7-2 and 24-7-3 of the Code of Alabama 1975, which provide for the Mowa Choctaw Housing Authority, so as to provide further for the appointment of members of the Authority and to provide further for the duties and powers of the Authority.

And finds same correctly enrolled.

TOMMY CARTER
Chairman

SIGNING OF BILL.

The Speaker Pro Tem of the House, in the presence of the House, immediately after the title had been publicly read by the Clerk, the reading at length having been dispensed with by a two-thirds vote of a quorum present, signed the Bill, the title of which is set out in the foregoing Report of the Standing Committee on Rules.

H. 160 TAKEN UP

And the bill:

H. 160. Relating to the Alabama Sunset Law; to continue the existence and functioning of the board for registration of architects with certain modifications; to amend the following sections of the Code of Alabama 1975, for the purposes stated: section 34-2-33 to provide a grace period for renewal of licenses in order to avoid a penalty payment; section 34-2-34 to authorize the board to issue reprimands and levy administrative fines for violation of chapter 2, Title 34 or the rules and regulations of the board and to provide an appeal procedure for such disciplinary actions; section 34-2-39 to require a program of continuing education; and section 34-2-40 to provide that the secretary of the board may be a licensee of the board.

was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 54; Nays 7.

Yea:

Mr. Speaker, Barnes, Beasley, Biddle, Box, Bryant, Buskey (JE), Buskey (JL), Campbell, Carns, Carothers, Clark (W), Clay, Cosby, Cullins, Curry, Dolbare, Flowers, Fuller, Gaines, Gaston, Gullatt, Hamilton, Hawkins, Haynes, Hill, Holmes, Johnson, Kennedy, Knight, Kvalheim, Mathis, McClain, McDaniel, McDowell, McMillan, Mikell, Morton, Newman, Newton (C), Newton (D), Parker (P), Parker (T), Payne, Perdue, Petelos, Poole, Powell, Richardson, Rogers (F), Rogers (J), Sanderford, Sanderson and Smith (C).

-54

Nay:

Representatives Anderson, Black (M), Hall, Hancey, Harvey, Holladay and Morrow.

- 7

BUDGET ISOLATION RESOLUTION

On motion of Representative Buskey (JL), the Budget Isolation Resolution relating to the bill, H. 162, was adopted.

Yeas 69; Nays 0.

Yea:

Mr. Speaker, Anderson, Barnes, Beasley, Biddle, Black (M), Blakeney, Box, Bryant, Bugg, Buskey (JE), Buskey (JL), Campbell, Carns, Carothers, Clark (W), Clay, Cullins, Curry, Dolbare, Flowers, Freeman, Fuller, Gaines, Gaston,

Gullatt, Hall, Hamilton, Haney, Harvey, Hawkins, Haynes, Higginbotham, Hill, Holladay, Holmes, Johnson, Kennedy, Knight, Kvalheim, Laird, Mathis, McClain, McDaniel, McDowell, McMillan, Melton, Mikell, Morrow, Morton, Newman, Newton (C), Parker (P), Parker (T), Payne, Perdue, Petelos, Poole, Powell, Richardson, Rockhold, Rogers (F), Rogers (J), Sanderford, Sanderson, Smith (C), Smith (R), Warren and Zoghby.

-69

And the bill:

H. 162. Relating to the Alabama Sunset Law; to continue the existence and functioning of the polygraph examiners board with certain modifications; to amend the following sections of the Code of Alabama 1975, for the purposes stated: 34-25-36 to make fees apply to all governmental polygraph examiners and to provide further for certain fees; and 34-25-29 to provide for a mandatory continuing education program by the board.

was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 72; Nays 0.

Yea:

Mr. Speaker, Anderson, Barnes, Beasley, Biddle, Black (M), Blakeney, Box, Bryant, Bugg, Buskey (JE), Buskey (JL), Campbell, Carns, Carothers, Clark (W), Clay, Cosby, Cullins, Curry, Dolbare, Flowers, Freeman, Fuller, Gaines, Gaston, Grayson, Gullatt, Hall, Hamilton, Haney, Harvey, Hawkins, Haynes, Higginbotham, Hill, Holladay, Holmes, Johnson, Kennedy, Knight, Kvalheim, Laird, Mathis, McClain, McDaniel, McMillan, Melton, Mikell, Morrow, Morton, Newman, Newton (C), Newton (D), Parker (P), Parker (T), Payne, Perdue, Petelos, Poole, Powell, Richardson, Rockhold, Rogers (F), Rogers (J), Sanderford, Sanderson, Smith (C), Smith (R), Venable, Warren and Zoghby.

-72

BUDGET ISOLATION RESOLUTION

On motion of Representative Buskey (JL), the Budget Isolation Resolution relating to the bill, H. 163, was adopted.

Yeas 68; Nays 1.

Yea:

Mr. Speaker, Anderson, Barnes, Beasley, Biddle, Black (M), Blakeney, Box, Bryant, Bugg, Buskey (JE), Buskey (JL), Cagle, Campbell, Carns, Carothers, Clark (W), Clay, Crow, Cullins, Curry, Dolbare, Fuller, Gaines, Gaston,

Grayson, Gullatt, Harvey, Hawkins, Haynes, Higginbotham, Hill, Hogan, Holladay, Holmes, Johnson, Knight, Kvalheim, Laird, Mathis, McClain, McDaniel, McDowell, Melton, Mikell, Morrow, Morton, Newman, Newton (C), Newton (D), Parker (P), Parker (T), Payne, Perdue, Petelos, Poole, Powell, Richardson, Rockhold, Rogers (F), Rogers (J), Sanderford, Sanderson, Smith (C), Smith (R), Warren, Willis and Zoghby.

-68

Nay:

Representative Hall.

- 1

And the bill:

H. 163. Relating to the Alabama Sunset Law; to continue the existence and functioning of the state board of occupational therapy with certain modifications; to amend the following sections of the Code of Alabama 1975, for the purposes stated: 34-39-14 to provide further for the assessment and collection of costs relating to hearings of the board which result in the suspension, revocation or refusal to issue a license; 34-39-16 to provide further for the hearing of evidence and appeal process for hearings and actions of the board; and 41-20-3 to provide that the board shall be an enumerated state agency under the state sunset statute and to delete references to enumerated agencies which are no longer in existence.

was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 61; Nays 8.

Yea:

Mr. Speaker, Barnes, Beasley, Biddle, Blakeney, Box, Bryant, Bugg, Buskey (JE), Buskey (JL), Cagle, Campbell, Carns, Carothers, Clark (W), Clay, Cosby, Cullins, Curry, Gaines, Gaston, Grayson, Gullatt, Hawkins, Haynes, Higginbotham, Hill, Hogan, Holladay, Holmes, Johnson, Kennedy, Knight, Kvalheim, Mathis, McClain, McDaniel, McDowell, Mikell, Millican, Morton, Newman, Newton (C), Newton (D), Parker (P), Parker (T), Payne, Perdue, Petelos, Poole, Powell, Richardson, Rockhold, Rogers (F), Sanderford, Sanderson, Smith (C), Turner, Warren, Willis and Zoghby.

-61

Nay:

Representatives Anderson, Black (M), Dolbare, Hall, Harvey, Holley, Laird and Morrow.

- 8

BUDGET ISOLATION RESOLUTION

On motion of Representative Buskey (JL), the Budget Isolation Resolution relating to the bill, H. 165, was adopted.

Yeas 63; Nays 6.

Yea:

Mr. Speaker, Anderson, Barnes, Beasley, Biddle, Black (M), Blakeney, Box, Bryant, Bugg, Buskey (JE), Cagle, Campbell, Carns, Carothers, Clark (W), Clay, Crow, Cullins, Curry, Dolbare, Gaines, Gaston, Grayson, Gullatt, Hamilton, Hawkins, Haynes, Higginbotham, Hill, Hogan, Johnson, Kennedy, Knight, Kvalheim, Mathis, McClain, McDaniel, McDowell, Melton, Mikell, Millican, Morton, Newman, Newton (C), Parker (P), Parker (T), Payne, Petelos, Poole, Powell, Richardson, Rockhold, Rogers (F), Sanderford, Sanderson, Smith (C), Smith (R), Starkey, Turner, Warren, Willis and Zoghby.

-63

Nay:

Representatives Freeman, Hall, Harvey, Holley, Laird and Morrow.

- 6

And the bill:

H. 165. Relating to the Alabama Sunset Law; to continue the existence and functioning of the hearing aid dealers licensing board with certain modifications; to amend the following sections of the Code of Alabama 1975, for the purposes stated: 34-14-1 to provide further definitions regarding apprentice permits and hearing aid fitters and dispensers; 34-14-2 to require retail sellers of hearing aids to have a licensed dispenser on their staff; 34-14-3 and 34-14-4 to provide further for licensing requirements of dispensers and fitters; 34-14-6 to provide further for the license renewal fees for fitters and dispensers; 34-14-7 to provide for the requirements and issuance of an apprentice permit; 34-14-8 to allow notices of the state board to be mailed to licensees; 34-14-9 to provide for complaints and disciplinary actions against apprentices; 34-14-10 to require certain information on the receipt of sale of hearing aids; 34-14-11 and 34-14-30 to provide further for the membership and powers of the state board.

was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 58; Nays 13.

Yea:

Mr. Speaker, Barnes, Beasley, Biddle, Blakeney, Box, Bryant, Buskey (JE), Cagle, Campbell, Carns, Carothers, Carter, Clark (W), Clay, Cullins, Curry, Ford, Gaines, Gaston, Grayson, Gullatt, Hamilton, Haney, Hawkins, Haynes,

Higginbotham, Hill, Hogan, Johnson, Kennedy, Knight, Kvalheim, Mathis, McClain, McDaniel, McDowell, Melton, Mikell, Morton, Newman, Newton (C), Parker (P), Parker (T), Petelos, Poole, Powell, Richardson, Rockhold, Sanderford, Smith (C), Smith (R), Starkey, Turner, Venable, Warren, Willis and Zoghby.

-58

Nay:

Representatives Anderson, Black (M), Dolbare, Freeman, Hall, Harvey, Holley, Laird, Millican, Morrow, Payne, Rogers (F) and Sanderson.

-13

BUDGET ISOLATION RESOLUTION

On motion of Representative Buskey (JL.), the Budget Isolation Resolution relating to the bill, H. 166, was adopted.

Yeas 54; Nays 11.

Nay:

Mr. Speaker, Barnes, Beasley, Biddle, Box, Bryant, Buskey (JE), Cagle, Carns, Carothers, Carter, Clark (W), Clay, Crow, Cullins, Curry, Ford, Gaines, Gaston, Grayson, Gullatt, Haney, Hawkins, Haynes, Hill, Hogan, Johnson, Kennedy, Knight, Kvalheim, Mathis, McClain, McDaniel, McDowell, Melton, Millican, Morton, Newton (C), Parker (T), Payne, Petelos, Poole, Powell, Richardson, Rockhold, Rogers (F), Sanderford, Sanderson, Smith (R), Starkey, Turner, Warren, Willis and Zoghby.

-54

Nay:

Representatives Anderson, Black (M), Blakeney, Dolbare, Freeman, Hall, Hamilton, Holley, Laird, Morrow and Smith (C).

-11

And the bill:

H. 166. Relating to the Alabama Sunset Law; to continue the existence and functioning of the state board of registration for professional engineers and land surveyors, with certain modifications; to amend the following sections of the Code of Alabama 1975, for the purposes stated: 34-11-8 to increase individual license fees to require a continuing education program for individual licensees of the board and to prescribe a late renewal penalty for corporate licensees; 34-11-9 to require corporate licensees to obtain approval of their corporate charter prior to obtaining a corporate certificate of license and 34-11-36 to provide for the position of assistant executive director.

was taken up.

AMENDMENT OFFERED

Representative Buskey (JL) offered the following amendment to the bill, H. 166:

Amend H. 166 by amending § 34-11-36, Page 8, Line 26, by deleting the word "secretary" and substituting the words "executive director" so that Line 26 will read, as follows: "The ~~secretary~~executive director of the board shall receive and"

Amend H. 166, by amending § 34-11-36, Page 8, Line 34, by deleting the word "secretary" and substituting the words "executive director" so that Line 34 will read, as follows: "executive ~~secretary~~director of the board; provided, that no funds"

Amend H. 166, by amending § 34-11-36, Page 9, Line 9, by deleting the word "secretary" and substituting the words "executive director" so that Line 9 will read, as follows: "engineers fund, the board or the ~~secretary~~executive director of the board in his"

Amend H. 166, by amending § 34-11-36, Page 9, Line 13, by deleting the word "secretary" in two places and substituting the words "executive director" so that Line 13 will read, as follows: "the ~~secretary~~executive director of the board under this chapter. The ~~secretary~~executive director"

Amend H. 166, by amending § 34-11-36, Page 9, Line 18, by deleting the word "secretary" and substituting the words "executive director" so that Line 18 will read, as follows: "~~secretary~~executive director of the board shall receive such salary as the board"

Amend H. 166, by amending § 34-11-36, Page 9, Lines 21 and 22, by deleting the word "secretary" and substituting the word "director" on Line 21 and by deleting the word "secretary" and substituting the word "director" on Line 22 so that Lines 21 and 22 will read, as follows: "executive ~~secretary~~director ~~and, when necessary, an assistant executive secretary~~director and fix ~~his~~their compensation and duties."

AMENDMENT ADOPTED

And the amendment was adopted.

Yeas 54; Nays 12.

Yea:

Mr. Speaker, Barnes, Beasley, Biddle, Black (L), Blakeney, Box, Bryant, Buskey (JE), Cagle, Campbell, Carns, Carothers, Clark (W), Clay, Cosby, Crow,

Curry, Dolbare, Fuller, Gaines, Gaston, Grayson, Gullatt, Haney, Harvey, Hawkins, Haynes, Higginbotham, Hill, Hogan, Holladay, Kennedy, Knight, Kvalheim, McClain, McDaniel, Mikell, Millican, Newman, Newton (C), Parker (P), Payne, Petelos, Rockhold, Rogers (F), Sanderford, Sanderson, Starkey, Thomas, Turner, Warren, Willis and Zoghby.

-54

Nay:

Representatives Anderson, Black (M), Cullins, Freeman, Hall, Hamilton, Holley, Johnson, Laird, Mathis, Morrow and Smith (R).

-12

And the bill, H. 166, as amended, was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 54; Nays 14.

Yea:

Mr. Speaker, Barnes, Beasley, Biddle, Black (I.), Blakeney, Box, Bryant, Buskey (JE), Buskey (JL), Cagle, Campbell, Carns, Clark (W), Clay, Crow, Curry, Flowers, Gaines, Gaston, Grayson, Haney, Hawkins, Higginbotham, Hill, Hogan, Holladay, Kennedy, Knight, Kvalheim, Lindsey, Mathis, McClain, McDaniel, McDowell, McMillan, Melton, Millican, Newman, Newton (C), Payne, Petelos, Rich, Rockhold, Rogers (F), Rogers (J), Sanderford, Sanderson, Starkey, Thomas, Turner, Warren, Willis and Zoghby.

-54

Nay:

Representatives Anderson, Black (M), Cullins, Dolbare, Freeman, Hall, Hamilton, Harvey, Haynes, Johnson, Laird, Morrow, Parker (P) and Smith (R).

-14

BUDGET ISOLATION RESOLUTION

On motion of Representative Buskey (JL), the Budget Isolation Resolution relating to the bill, H. 161, was adopted.

Yeas 48; Nays 14.

Yea:

Mr. Speaker, Barnes, Beasley, Black (I.), Box, Bugg, Buskey (JE), Buskey (JL), Cagle, Campbell, Carns, Carothers, Clark (W), Clay, Crow, Cullins, Fuller, Gaines, Gaston, Grayson, Gullatt, Hawkins, Higginbotham, Hill, Hogan, Kennedy, Knight, Kvalheim, Mathis, McClain, McDaniel, McDowell, Melton,

Mikell, Newman, Newton (C), Parker (P), Payne, Petelos, Rockhold, Rogers (F), Sanderford, Sanderson, Thomas, Turner, Warren, Willis and Zoghby.

-48

Nay:

Representatives Anderson, Biddle, Black (M), Dolbare, Freeman, Hall, Harvey, Haynes, Holley, Johnson, Laird, Millican, Morrow and Poole.

-14

And the bill:

H. 161. Relating to the Alabama Sunset Law; to continue the existence and functioning of the state licensing board for general contractors with certain modifications; to amend the following sections of the Code of Alabama 1975, for the purposes stated: section 34-8-2 to provide further for license and renewal fees and a late renewal penalty; section 34-8-4 to authorize administrative fines by the board for violations of chapter 8, Title 34 and for violations of the board's rules and regulations; and Section 34-8-25 to authorize the secretary-treasurer to certify vouchers of the board without the Governor's approval.

was taken up.

AMENDMENT OFFERED

Representative Buskey (JL) offered the following amendment to the bill, H. 161:

Amend H. 161 page 2, line 15 by striking the following: ~~\$400.00~~ and adding in lieu thereof the following:
\$200.00

Further amend on page 4, line 12 by striking the following: ~~\$400.00~~ and adding in lieu thereof the following:
\$200.00

AMENDMENT ADOPTED

And the amendment was adopted.

Yeas 48; Nays 17.

Yea:

Mr. Speaker, Barnes, Beasley, Biddle, Black (L), Box, Bryant, Bugg, Buskey (JE), Buskey (JL), Cagle, Campbell, Carns, Carter, Clay, Cullins, Flowers, Ford, Gaines, Gaston, Hawkins, Higginbotham, Hill, Hogan, Holladay,

Kennedy, Knight, Kvalheim, Mathis, McClain, McDaniel, McDowell, Melton, Mikell, Newman, Newton (C), Parker (P), Payne, Petelos, Rockhold, Sanderford, Sanderson, Starkey, Thomas, Turner, Warren, Willis and Zoghby.

-48

Nay:

Representatives Anderson, Blakeney, Carothers, Dolbare, Freeman, Hall, Hamilton, Haney, Harvey, Haynes, Holley, Johnson, Laird, Morrow, Poole, Rogers (F) and Smith (R).

-17

And the bill, H. 161, as amended, was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 51; Nays 20.

Yea:

Mr. Speaker, Barnes, Beasley, Biddle, Box, Bryant, Buskey (JE), Cagle, Campbell, Carns, Carter, Clark (W), Clay, Cosby, Flowers, Ford, Fuller, Gaines, Gaston, Haney, Hawkins, Higginbotham, Hill, Hogan, Kennedy, Knight, Kvalheim, Mathis, McClain, McDowell, Melton, Mikell, Millican, Morton, Newman, Newton (C), Parker (T), Payne, Penry, Petelos, Powell, Rockhold, Sanderson, Starkey, Thomas, Turner, Venable, Warren, White, Willis and Zoghby.

-51

Nay:

Representatives Anderson, Black (M), Blakeney, Cullins, Dolbare, Freeman, Hall, Hamilton, Harvey, Haynes, Holladay, Holley, Johnson, Laird, Morrow, Parker (P), Poole, Rich, Rogers (F) and Smith (R).

-20

BUDGET ISOLATION RESOLUTION

On motion of Representative Buskey (JL), the Budget Isolation Resolution relating to the bill, H. 164, was adopted.

Yeas 57; Nays 11.

Yea:

Mr. Speaker, Barnes, Beasley, Biddle, Blakeney, Box, Bryant, Buskey (JE), Cagle, Campbell, Carns, Carothers, Carter, Clark (W), Clay, Cullins, Flowers, Ford, Fuller, Gaston, Grayson, Gullatt, Harper, Hawkins, Haynes, Higginbotham, Hill, Hogan, Holley, Holmes, Johnson, Kennedy, Knight,

Kvalheim, Mathis, McClain, McDaniel, McDowell, Melton, Mikell, Millican, Morton, Newman, Newton (C), Payne, Penry, Petelos, Rockhold, Rogers (F), Sanderford, Starkey, Turner, Venable, Warren, White, Willis and Zoghby.

-57

Nay:

Representatives Anderson, Black (M), Dolbare, Freeman, Hall, Hamilton, Haney, Laird, Morrow, Parker (P) and Smith (R).

-11

And the bill:

H. 164. Relating to the Alabama Sunset Law; to continue the existence and functioning of the board of funeral service with certain modifications; to amend the section of the Code of Alabama 1975, to authorize the board to establish a reasonable examination fee for preparing and administering examinations of the board's applicants.

was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 57; Nays 14.

Yea:

Mr. Speaker, Barnes, Beasley, Biddle, Box, Bryant, Bugg, Buskey (JE), Buskey (JL), Campbell, Carns, Carothers, Carter, Clark (W), Clay, Cullins, Flowers, Ford, Fuller, Gaston, Grayson, Gullatt, Harper, Hawkins, Haynes, Higginbotham, Hill, Holley, Holmes, Johnson, Kennedy, Knight, Kvalheim, Mathis, McClain, McDaniel, McDowell, Melton, Mikell, Millican, Morton, Newman, Newton (C), Parker (T), Payne, Penry, Petelos, Poole, Rockhold, Starkey, Thomas, Turner, Venable, Warren, White, Willis and Zoghby.

-57

Nay:

Representatives Anderson, Black (M), Dolbare, Freeman, Hall, Hamilton, Haney, Laird, Morrow, Parker (P), Rich, Rogers (F), Sanderford and Smith (R).

-14

RESOLUTION

The following resolution was introduced and distributed according to Joint Rule 11:

By Representative Penry:

H.R. 194. CONGRATULATING MR. AND MRS. ZANNIE DURGIN ON THE OCCASION OF THEIR 60TH WEDDING ANNIVERSARY

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has passed the following House Bill and returns same herewith to the House:

H. 374. To provide further for the availability of indigent health care, the operation of the medicaid program and the maintenance and expansion of medical services thereunder by imposing a privilege tax upon every provider of pharmaceutical services, except hospital inpatient pharmacies or pharmacies owned or operated by the state of Alabama or an agency thereof; to provide for collection of such tax and penalties; to provide for appropriations of such funds and their use by the Alabama medicaid agency; to prohibit the reduction or elimination of revenues resulting from this act which are applied to certain medicaid covered services or other enhancements; to require the timely payment by the Alabama medicaid agency of reimbursement due pharmaceutical providers; to provide that the provisions of this act shall remain effective only so long as adequate federal financial participation is available; and to authorize the department of revenue to adopt regulations as necessary to administer collection of the tax.

MCDOWELL LEE
Secretary

H.R. 188 RESUMED

MOTION TO SUSPEND RULES LOST

The motion offered by Representative Carothers to suspend the rules and adopt the resolution, H.R. 188, was lost, lacking a four-fifths vote.

Yeas 54; Nays 25.

Yea:

Mr. Speaker, Anderson, Beasley, Black (L), Black (M), Blakeney, Bowling, Box, Bryant, Bugg, Buskey (JE), Buskey (JL), Campbell, Carothers, Carter, Clay, Dolbare, Flowers, Ford, Freeman, Fuller, Gullatt, Hall, Harvey, Haynes, Higginbotham, Hill, Hogan, Holladay, Holley, Holmes, Kennedy, Knight, McClain, McDaniel, McDowell, Millican, Morrow, Newman, Parker (P), Parker (T), Richardson, Rockhold, Rogers (J), Smith (C), Starkey, Thomas, Turner, Venable, Warren, White, Williams, Willis and Zoghby.

Nay:

Representatives Carns, Cullins, Curry, Gaines, Grayson, Hamilton, Haney, Hawkins, Laird, Mathis, McMillan, Mikell, Morton, Newton (C), Newton (D), Payne, Penry, Petelos, Poole, Powell, Rich, Sanderford, Sanderson, Smith (R) and Walker.

-25

The resolution, H.R. 188, was read and referred to the Standing Committee on Rules.

Also:

The following resolution was introduced:

By Rules Committee:

H.R. 195. BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES; That immediately upon the adoption of this resolution, the following business, in the order set forth below, shall be the special and paramount order of business for the tenth legislative day, Thursday, May 16, 1991, taking precedence over the regular order of business or any pending or unfinished business:
And the Following Bills:

Inst Id	Page
<u>H. 159</u> - By Buskey (JL.)	18
Board for examiners of landscape architects, sunset law review, cont., bd. granted cert. disciplinary powers, cont. ed. req., provides application procedure, temp. certificates, fee schedule, Secs. 34-17-5, 34-17-20, 34-17-21, 34-17-25 am'd.	
<u>H. 160</u> - By Buskey (JL.)	18
Board of registration for architects, sunset law review, cont., grace period for lic. renewal, auth. to reprimand and levy admin. fines, cont. ed. req., secretary to be bd. memb., Secs. 34-2-33, 34-2-34, 34-2-39, 34-2-40 am'd.	
<u>H. 161</u> - By Buskey (JL.)	53
Board of registration for gen. contractors, sunset law review, provides further for fees and penalties, admin. fines and power of secretary-treasurer, Secs. 34-8-2, 34-8-4, 34-8-25 am'd.	
<u>H. 162</u> - By Buskey (JL.)	19

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Polygraph examiners bd., sunset law review, cont., provide further for fees, remove exemption for polygraph examiners of gov't. agencies, cont. ed. mandatory, Secs. 34-25-26, 34-25-29 am'd.

H. 163 - By Buskey (JL.)

19

Occupational Therapy Bd., sunset law review, cont., hearing costs and evidence procedure of hearings provided, appeals procedure, bd. enumerated agency, Secs. 34-39-14, 34-39-16, 41-20-3 am'd.

H. 164 - By Buskey (JL.)

100

Funeral Services Bd., auth. to estab. examination fee, Sec. 34-13-70 am'd.

H. 165 - By Buskey (JL.)

20

Hearing aid dealers, sunset law review cont., definitions of apprentice permits, fitters and dispensers, licensing and fees further provided, membs. and powers of bd., Secs. 34-14-1 through 34-14-4, 34-14-6 through 34-14-11, 34-14-30 am'd.

H. 166 - By Buskey (JL.)

20

Engineers and land surveyors bd., sunset law review, cont., mandatory cont. ed. for indiv. licenses, late renewal penalty for corps., partnerships or firms, corps. file with sec. of st., Secs. 34-11-8, 34-11-9 am'd.

H. 477 - By Zoghby

58

State Agencies, electronic transfer of funds, auth.

H. 95 - By Campbell

25

Hospices, licensed in same manner as hospitals, advisory hospital licensing bd. composition to incl. hospice representative, powers, Secs. 22-21-20, 22-21-27 am'd.

H. 109 - By Freeman

8

State employees, per diem and mileage allowance alt., Secs. 36-7-20, 36-7-22 am'd.

H. 352 - By Buskey (JE)

32

Elections, number of paper ballots provided, Sec. 17-8-25 am'd.

<u>H. 57</u> - By Buskey (JE) (As Substituted)	92
Property and casualty insurance agent licensing, waiting period reduced, Sec. 27-8-10 am'd, Sec. 27-7-16 repealed	
<u>H. 21</u> - By Buskey (JL)	44
State property, trade-in value to be credited against purchase price, Sec. 41-16-24 am'd.	
<u>H. 428</u> - By Clark (W)	70
Class 5 muns., council vote to override veto of mayor alt., Sec. 11-43C-52 am'd.	
<u>H. 429</u> - By Clark (W)	71
Class 5 muns., mayor-council, council auth. to appt. cert. employees, Sec. 11-43C-21 am'd.	
<u>H. 77</u> - By Newman	29
Farmer's Market Authority, administrator auth. to employ secretary within or without merit system, Sec. 2-5-4 am'd.	
<u>H. 24</u> - By Fuller (As Amended)	34
Hazardous waste, civil immunity granted to certain persons, Sec. 6-5-332.1 am'd.	
<u>H. 353</u> - By Rogers (F)	79
Judicial retirement system, cert. dist. judges, retirement benefits incr.	
<u>H. 152</u> - By White	5
Municipal business licenses, fees incr., penalties incr., Secs. 11-51-90, 11-51-93 am'd.	
<u>H. 523</u> - By Johnson	57
Solid waste landfill located within a mile of a geologic area with multiple sink holes or an aquifer or water supply used for drinking water, deemed a nuisance, remedies	
<u>H. 415</u> - By Carothers (As Substituted)	91
Emergency Medical Services Act, st. bd. of health to admin., statewide system estab., Secs. 22-18-1 through 22-18-7 repealed	

H. 413 - By Kennedy

60

Schools, min. compulsory attendance age alt., Secs. 16-28-3, 16-28-9, 16-28-11 am'd.

H. 305 - By Smith (C)

44

Judicial circuits, new judgeship in nineteenth judicial circuit, qualification est.

On motion of Representative Carter, the resolution, H.R. 195, was adopted.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has passed the following House Bills and returns same herewith to the House:

H. 376. To provide further for the availability of indigent health care, the operation of the medicaid program and the maintenance and expansion of medical services thereunder by imposing a privilege tax upon every nursing facility which has an agreement to participate in the Alabama medicaid program; to provide for collection of such tax and penalties; to provide for appropriations of such funds and their use by the Alabama medicaid agency; to require the timely payment by the Alabama medicaid agency of reimbursement due nursing facilities; to prohibit the reduction or elimination of revenues resulting from this act which are applied to certain medicaid covered services or other enhancements; to provide that the provisions of this act shall remain effective only so long as adequate federal financial participation is available; and to authorize the department of revenue to adopt regulations as necessary to administer collection of the tax.

Also:

H. 377. To provide further for the availability of indigent health care, the operation of the medicaid program and the maintenance and expansion of medical services thereunder by imposing a privilege tax upon every disproportionate share hospital in the state; to provide for collection of such tax and penalties; to provide for appropriations of such funds and their use by the Alabama medicaid agency; to provide for reimbursement of certain costs incurred by disproportionate share hospitals; to require the timely payment by the Alabama medicaid agency of disproportionate share payments due hospitals; to prohibit the reduction or elimination of revenues resulting from this act which are applied to certain medicaid covered services or other enhancements; to provide that the provisions of this act shall remain effective only so long as adequate federal financial participation is available; and to authorize the department of revenue to adopt regulations as necessary to administer collection of the tax.

MCDOWELL LEE
Secretary

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has passed the following House Bill and returns same herewith to the House:

H. 375. To provide for the creation of the Alabama Health Care Trust Fund in the state treasury; to appropriate monies in the fund to the Alabama medicaid agency; to provide that monies in the fund shall not revert to the general fund but shall be carried forward into each succeeding fiscal year; and to limit the reduction of appropriations to the medicaid agency from the general fund.

MCDOWELL LEE
Secretary

BILLS ON THIRD READING RESUMED**BUDGET ISOLATION RESOLUTION**

On motion of Representative Zoghby, the Budget Isolation Resolution relating to the bill, H. 477, was adopted.

Yeas 80; Nays 0.

Yea:

Representatives Anderson, Beasley, Biddle, Black (L), Blakeney, Bowling, Box, Bryant, Bugg, Buskey (JE), Cagle, Carns, Carothers, Carter, Clark (W), Crow, Cullins, Curry, Dolbare, Flowers, Ford, Freeman, Fuller, Gaines, Gaston, Grayson, Gullatt, Hall, Hamilton, Haney, Harvey, Hawkins, Haynes, Higginbotham, Hill, Hogan, Holladay, Holley, Johnson, Kennedy, Knight, Kvalheim, Laird, Letson, Mathis, McClain, McDaniel, McDowell, McMillan, Melton, Mikell, Morrow, Morton, Newman, Newton (C), Newton (D), Parker (P), Parker (T), Payne, Penry, Petelos, Poole, Powell, Rich, Richardson, Rockhold, Rogers (F), Rogers (J), Sanderford, Sanderson, Smith (C), Smith (R), Starkey, Turner, Venable, Warren, White, Williams, Willis and Zoghby.

-80

And the bill:

H. 477. To authorize state agencies an administrative option to require the timely electronic remittance of immediately available funds by any person, corporation or partnership required to satisfy an obligation due any agency of the state of Alabama amounting to one hundred thousand dollars (\$100,000) or more effective January 1, 1992, fifty thousand dollars (\$50,000) or more effective January 1, 1993 and twenty-five thousand dollars (\$25,000) or more effective January 1, 1994; establishes the date from which penalties and interest will be

computed; and authorizes the promulgation of rules and regulations governing the manner in which such payments shall be made.

was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 82; Nays 0.

Yea:

Representatives Beasley, Biddle, Black (L), Black (M), Blakeney, Bowling, Box, Bryant, Bugg, Buskey (JE), Buskey (JL), Cagle, Campbell, Carns, Carothers, Carter, Clark (W), Crow, Cullins, Curry, Dolbare, Flowers, Ford, Freeman, Fuller, Gaines, Gaston, Grayson, Gullatt, Hall, Hamilton, Haney, Harvey, Hawkins, Haynes, Higginbotham, Hill, Hogan, Holladay, Holley, Holmes, Johnson, Knight, Kvalheim, Laird, Letson, Mathis, McClain, McDaniel, McDowell, McMillan, Melton, Mikell, Morrow, Morton, Newman, Newton (C), Newton (D), Parker (P), Parker (T), Payne, Penry, Petelos, Poole, Powell, Rich, Richardson, Rockhold, Rogers (F), Rogers (J), Sanderford, Sanderson, Smith (C), Smith (R), Starkey, Thomas, Venable, Warren, White, Williams, Willis and Zoghby.

-82

BUDGET ISOLATION RESOLUTION

On motion of Representative Campbell, the Budget Isolation Resolution relating to the bill, H. 95, was adopted.

Yeas 78; Nays 0.

Yea:

Representatives Beasley, Biddle, Black (L), Black (M), Blakeney, Bowling, Box, Bryant, Bugg, Buskey (JE), Buskey (JL), Cagle, Campbell, Carns, Carter, Clark (W), Clay, Crow, Cullins, Curry, Dolbare, Flowers, Ford, Freeman, Fuller, Gaines, Gaston, Grayson, Hall, Hamilton, Haney, Harvey, Hawkins, Haynes, Higginbotham, Hill, Hogan, Holladay, Holley, Holmes, Johnson, Knight, Kvalheim, Laird, Letson, McClain, McDaniel, McDowell, Mikell, Millican, Morrow, Morton, Newman, Newton (D), Parker (P), Penry, Petelos, Poole, Powell, Rich, Richardson, Rockhold, Rogers (F), Rogers (J), Sanderford, Sanderson, Smith (C), Smith (R), Spratt, Starkey, Thomas, Turner, Venable, Warren, White, Williams, Willis and Zoghby.

-78

And the bill:

H. 95. To amend Sections 22-21-20 and 22-21-27 of the Code of Alabama 1975, relating to licensing of hospitals, nursing homes and other health care

institutions so as to include hospices; and to provide further for the composition of the advisory board and the power of certain board members.

was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 83; Nays 0.

Yea:

Representatives Barnes, Beasley, Biddle, Black (L), Black (M), Blakeney, Bowling, Box, Bryant, Bugg, Buskey (JE), Buskey (JL), Cagle, Campbell, Carns, Carothers, Carter, Clark (W), Clay, Crow, Cullins, Curry, Dolbare, Flowers, Ford, Freeman, Fuller, Gaines, Gaston, Grayson, Hall, Hamilton, Haney, Harvey, Hawkins, Haynes, Higginbotham, Hill, Hogan, Holladay, Holley, Holmes, Johnson, Knight, Kvalheim, Laird, Letson, Mathis, McClain, McDaniel, McDowell, Melton, Mikell, Millican, Morrow, Morton, Newman, Newton (C), Newton (D), Parker (P), Parker (T), Payne, Penry, Petelos, Poole, Powell, Rich, Richardson, Rockhold, Rogers (F), Sanderford, Sanderson, Smith (C), Smith (R), Spratt, Starkey, Thomas, Turner, Warren, White, Williams, Willis and Zoghby.

-83

BUDGET ISOLATION RESOLUTION

On motion of Representative Freeman, the Budget Isolation Resolution relating to the bill, H. 109, was adopted.

Yeas 71; Nays 2.

Yea:

Representatives Anderson, Barnes, Beasley, Black (L), Black (M), Blakeney, Bowling, Box, Bryant, Burke, Buskey (JE), Cagle, Carns, Carothers, Carter, Clark (W), Clay, Crow, Cullins, Curry, Dolbare, Flowers, Ford, Freeman, Gaston, Grayson, Gullatt, Hall, Hamilton, Hawkins, Haynes, Higginbotham, Hill, Hogan, Holladay, Holley, Johnson, Knight, Kvalheim, Letson, Lindsey, Mathis, McClain, McDaniel, McKee, Melton, Mikell, Millican, Morrow, Morton, Newman, Parker (P), Parker (T), Payne, Petelos, Poole, Powell, Rich, Richardson, Rockhold, Rogers (F), Smith (C), Spratt, Starkey, Thomas, Turner, Warren, White, Williams, Willis and Zoghby.

-71

Nay:

Representatives Haney and Smith (R).

- 2

And the bill:

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H. 109. To amend Sections 36-7-20 and 36-7-22 of the Code of Alabama 1975 so as to provide for the per diem allowance and mileage allowance for persons traveling on state business.

was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 81; Nays 3.

Yea:

Representatives Anderson, Barnes, Beasley, Biddle, Black (L), Black (M), Blakeney, Bowling, Box, Bryant, Bugg, Burke, Buskey (JE), Buskey (JL), Cagle, Carns, Carothers, Carter, Clark (W), Clay, Crow, Cullins, Curry, Dolbare, Flowers, Ford, Freeman, Fuller, Gaines, Gaston, Grayson, Hall, Hamilton, Harvey, Haynes, Higginbotham, Hill, Hogan, Holladay, Holley, Holmes, Johnson, Kennedy, Knight, Kvalheim, Layson, Letson, Lindsey, Mathis, McClain, McDaniel, McDowell, McKee, Melton, Mikell, Millican, Morrow, Morton, Newman, Parker (P), Parker (T), Payne, Penry, Petelos, Poole, Powell, Rich, Richardson, Rockhold, Rogers (F), Smith (C), Spratt, Starkey, Thomas, Turner, Venable, Warren, White, Williams, Willis and Zoghby.

-81

Nay:

Representatives Haney, Sanderford and Smith (R).

- 3

BUDGET ISOLATION RESOLUTION

On motion of Representative Buskey (JE), the Budget Isolation Resolution relating to the bill, H. 352, was adopted.

Yeas 73; Nays 0.

Yea:

Representatives Anderson, Barnes, Beasley, Biddle, Black (L), Black (M), Blakeney, Bowling, Box, Buskey (JL), Cagle, Carns, Carothers, Carter, Clark (W), Clay, Crow, Cullins, Curry, Dolbare, Flowers, Ford, Gaines, Gaston, Grayson, Gullatt, Haney, Hawkins, Haynes, Hill, Hogan, Holladay, Holley, Holmes, Johnson, Kennedy, Knight, Kvalheim, Laird, Letson, Mathis, McClain, McDaniel, McDowell, McKee, McMillan, Mikell, Millican, Morrow, Morton, Newman, Newton (C), Parker (P), Parker (T), Payne, Penry, Petelos, Powell, Rich, Rockhold, Rogers (F), Rogers (J), Sanderford, Sanderson, Smith (C), Spratt, Starkey, Thomas, Turner, Warren, White, Willis and Zoghby.

-73

And the bill:

H. 352. To amend Section 17-8-25, Code of Alabama 1975, relating to the number of ballots to be provided for each voting place, so as to decrease the required number.

was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 79; Nays 0.

Yea:

Representatives Anderson, Barnes, Beasley, Biddle, Black (L), Black (M), Blakeney, Bowling, Box, Bryant, Buskey (JL), Cagle, Carns, Carothers, Carter, Clark (W), Clay, Crow, Curry, Dolbare, Flowers, Ford, Fuller, Gaines, Gaston, Grayson, Gullatt, Hamilton, Haney, Hawkins, Haynes, Hill, Hogan, Holladay, Holley, Holmes, Johnson, Kennedy, Knight, Kvalheim, Laird, Lindsey, Mathis, McClain, McDaniel, McDowell, McKee, McMillan, Mikell, Millican, Morrow, Morton, Newman, Newton (C), Parker (P), Parker (T), Payne, Penry, Petelos, Poole, Powell, Rich, Richardson, Rockhold, Rogers (F), Rogers (J), Sanderford, Sanderson, Smith (C), Smith (R), Spratt, Starkey, Thomas, Turner, Venable, Warren, White, Willis and Zoghby.

-79

BUDGET ISOLATION RESOLUTION

On motion of Representative Buskey (JE), the Budget Isolation Resolution relating to the bill, H. 57, was adopted.

Yeas 66; Nays 0.

Yea:

Representatives Anderson, Barnes, Beasley, Black (L), Black (M), Blakeney, Bowling, Box, Bryant, Buskey (JE), Buskey (JL), Cagle, Carns, Carter, Clark (W), Crow, Cullins, Curry, Dolbare, Flowers, Ford, Gaines, Gaston, Gullatt, Hamilton, Haney, Harvey, Hawkins, Haynes, Hill, Hogan, Holley, Johnson, Kennedy, Knight, Kvalheim, Laird, Lindsey, McClain, McDaniel, McDowell, McMillan, Mikell, Millican, Morrow, Morton, Newman, Newton (C), Parker (P), Parker (T), Payne, Penry, Poole, Powell, Rich, Richardson, Rockhold, Rogers (F), Rogers (J), Sanderford, Sanderson, Smith (C), Spratt, Starkey, Willis and Zoghby.

-66

And the bill:

H. 57. (With Substitute): To amend Section 27-8-10, Code of Alabama 1975

so as to reduce the waiting period for a person who has failed to pass two examinations for licensing as a life or disability insurance agent; to reduce said waiting period for a person being examined for licensing as a property and casualty agent pursuant to Section 27-7-10, Code of Alabama 1975; and to expressly repeal Section 27-7-16, Code of Alabama 1975.

was taken up.

The question was then on the adoption of the substitute reported by the Standing Committee on Insurance, said committee substitute being as follows:

A BILL
TO BE ENTITLED
AN ACT

To amend §27-8-10, Code of Alabama 1975, so as to reduce the waiting period for a person who failed to pass two examinations for licensing as a life or disability insurance agent; to reduce said waiting period for a person being examined for licensing as a property and casualty agent pursuant to §27-7-10, Code of Alabama 1975; and to expressly repeal §27-7-16, Code of Alabama 1975.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

Section 1. §27-8-10, Code of Alabama 1975, is hereby amended to read as follows:

"§27-8-10.

"No person who has taken and failed to pass two examinations given pursuant to section 27-8-7 shall be entitled to take any further examination until after the expiration of ~~six~~ three months from the date of the last examination in which he failed to pass. If such person thereafter fails to pass two more such examinations, he shall not be eligible to take any further examination until after the expiration of ~~one year~~ six months from the date of his last unsuccessful examination. An examination ~~application-filing~~ fee shall be paid for each and every examination; except, that an applicant shall be permitted to take a single examination covering all classes of insurance contracts as defined in section 27-8-7."

Section 2. No person who has taken and failed to pass two examinations given pursuant to §27-7-10 shall be entitled to take any further examination until after the expiration of three months from the date of the last examination which he failed to pass. If such person thereafter fails to pass two more such examinations, he shall not be eligible to take any further examination until after the expiration of six months from the date of his last unsuccessful examination. An examination fee shall be paid for each and every examination.

Section 3. §27-7-16 of the Code of Alabama 1975, is hereby specifically repealed.

Section 4. The provisions of this act are severable. If any part of this act is declared invalid or unconstitutional, such declaration shall not affect the part

which remains.

Section 5. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

SUBSTITUTE ADOPTED

And the substitute was adopted.

Yeas 67; Nays 0.

Yea:

Representatives Anderson, Barnes, Beasley, Black (L), Black (M), Blakeney, Bowling, Box, Bryant, Buskey (JE), Buskey (JL), Cagle, Carns, Carothers, Carter, Clark (W), Crow, Cullins, Curry, Ford, Freeman, Gaines, Gaston, Hall, Haney, Harvey, Hawkins, Haynes, Hill, Hogan, Holladay, Holley, Johnson, Kennedy, Knight, Kvalheim, Lindsey, Mathis, McClain, McDaniel, McMillan, Mikell, Millican, Morrow, Morton, Newman, Newton (C), Parker (P), Parker (T), Payne, Penry, Petelos, Poole, Powell, Rich, Richardson, Rockhold, Rogers (F), Sanderford, Sanderson, Smith (C), Smith (R), Spratt, Starkey, White, Willis and Zoghby.

-67

And the bill:

H. 57. To amend §27-8-10, Code of Alabama 1975, so as to reduce the waiting period for a person who failed to pass two examinations for licensing as a life or disability insurance agent; to reduce said waiting period for a person being examined for licensing as a property and casualty agent pursuant to §27-7-10, Code of Alabama 1975; and to expressly repeal §27-7-16, Code of Alabama 1975.

as amended, was read a third time at length and passed, and ordered engrossed.

Yeas 69; Nays 0.

Yea:

Representatives Anderson, Barnes, Black (L), Black (M), Blakeney, Bowling, Box, Bryant, Buskey (JE), Buskey (JL), Cagle, Carns, Carothers, Carter, Clark (W), Crow, Cullins, Curry, Ford, Freeman, Gaines, Gaston, Gullatt, Hall, Hamilton, Haney, Harvey, Hawkins, Haynes, Hill, Hogan, Holladay, Holley, Johnson, Kennedy, Knight, Kvalheim, Laird, Lindsey, Mathis, McClain, McDaniel, McMillan, Mikell, Millican, Morrow, Morton, Newman, Newton (C), Parker (P), Parker (T), Payne, Penry, Petelos, Poole, Powell, Rich, Richardson, Rockhold, Rogers (F), Sanderford, Sanderson, Smith (C), Smith (R), Spratt, Starkey, White, Willis and Zoghby.

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BUDGET ISOLATION RESOLUTION CARRIED OVER

On motion of Representative Buskey (JL), the Budget Isolation Resolution and the bill, H. 21, were temporarily carried over.

**REPORT OF THE STANDING COMMITTEE
ON RULES ON ENROLLED AND ENGROSSED BILLS**

Mr. Speaker:

Your Standing Committee on Rules begs leave to report that said committee, in session, has compared the following engrossed bill with the original bill and finds same correctly engrossed, to-wit:

H. 57. To amend §27-8-10, Code of Alabama 1975, so as to reduce the waiting period for a person who failed to pass two examinations for licensing as a life or disability insurance agent; to reduce said waiting period for a person being examined for licensing as a property and casualty agent pursuant to §27-7-10, Code of Alabama 1975; and to expressly repeal §27-7-16, Code of Alabama 1975.

TOMMY CARTER
Chairman

And the bill, H. 57, as engrossed, was ordered sent to the Senate.

BILLS ON THIRD READING RESUMED

BUDGET ISOLATION RESOLUTION

On motion of Representative Clark (W), the Budget Isolation Resolution relating to the bill, H. 428, was adopted.

Yeas 45; Nays 6.

Yea:

Representatives Barnes, Beasley, Black (L), Blakeney, Box, Bryant, Burke, Buskey (JE), Buskey (JL), Cagle, Carter, Clark (W), Clay, Crow, Cullins, Ford, Grayson, Gullatt, Higginbotham, Hogan, Holley, Holmes, Layson, Lindsey, Mathis, McClain, McDowell, McKee, Morrow, Morton, Newman, Newton (C), Newton (D), Parker (P), Payne, Perdue, Rockhold, Rogers (J), Smith (C), Starkey, Thomas, Turner, Venable, Warren and Willis.

-45

Nay:

Representatives Hall, Haney, Hawkins, Knight, Sanderson and Smith (R).

- 6

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned, and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

And the bill:

H. 428. To amend Section 11-43C-52, Code of Alabama 1975, relating to certain procedures under the mayor-council form of government for Class 5 municipalities, so as to provide further for the vote to override a line item veto of the mayor.

was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 45; Nays 6.

Yea:

Representatives Barnes, Beasley, Biddle, Blakeney, Bowling, Box, Bryant, Burke, Buskey (JE), Buskey (JL), Cagle, Carter, Clark (W), Clay, Crow, Cullins, Fuller, Higginbotham, Hogan, Holley, Holmes, Kennedy, Layson, Mathis, McClain, McDowell, McMillan, Morrow, Morton, Newman, Newton (C), Newton (D), Parker (P), Payne, Perdue, Rockhold, Rogers (J), Smith (C), Starkey, Thomas, Turner, Venable, Warren, Willis and Zoghby.

-45

Nay:

Representatives Ford, Hall, Haney, Hawkins, Knight and Smith (R).

- 6

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned, and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

MESSAGE FROM THE GOVERNOR

To The House of Representatives of Alabama
Alabama State House
Montgomery, Alabama

Ladies and Gentlemen:

I transmit herewith to you a message from the Governor, returning House

Bill No. 466, without the Governor's signature and with a suggested Executive Amendment.

Done this 16th day of May, 1991.

Respectfully submitted,

GENE ANDERSON
Executive Secretary/
Chief of Staff

MESSAGE FROM THE GOVERNOR

To The House of Representatives of Alabama
Alabama State House
Montgomery, Alabama

Ladies and Gentlemen:

I am returning to you, the body in which it originated, House Bill No. 466, without my signature, but with the following suggested Executive Amendment:

EXECUTIVE AMENDMENT TO HOUSE BILL NUMBER 466:

Please amend House Bill No. 466 on page 2, lines 11 and 12, by deleting the phrase "which shall forward findings of fact and their recommendations to the governor,".

The adoption of the above suggested Executive Amendment will remove my objections to this bill.

Done on this the 16th day of May, 1991.

Respectfully,

GUY HUNT
Governor

GOVERNOR'S MESSAGE

On motion of Representative Dolbare, the House concurred in and adopted the amendment proposed by His Excellency, the Governor, to the bill, H. 466, said Governor's amendment being set out in the foregoing Message from the Governor.

Yeas 70; Nays 0.

Yea:

Representatives Anderson, Barnes, Beasley, Biddle, Black (L), Black (M),

Bowling, Box, Bryant, Burke, Buskey (JE), Cagle, Carns, Clark (W), Clay, Crow, Cullins, Curry, Dolbare, Freeman, Fuller, Gaines, Gaston, Grayson, Gullatt, Hall, Haney, Hawkins, Higginbotham, Hill, Hogan, Holladay, Holley, Holmes, Johnson, Kennedy, Knight, Kvalheim, Layson, Lindsey, Mathis, McClain, McDaniel, McDowell, McKee, McMillan, Melton, Morrow, Morton, Newman, Newton (C), Newton (D), Parker (P), Parker (T), Payne, Petelos, Poole, Powell, Rockhold, Rogers (J), Sanderford, Sanderson, Smith (C), Smith (R), Starkey, Turner, Venable, Williams, Willis and Zoghby.

-70

BILLS ON THIRD READING RESUMED**BUDGET ISOLATION RESOLUTION**

On motion of Representative Clark (W), the Budget Isolation Resolution relating to the bill, H. 429, was adopted.

Yeas 71; Nays 0.

Yea:

Representatives Anderson, Barnes, Beasley, Biddle, Black (L), Black (M), Bowling, Box, Bryant, Burke, Buskey (JE), Buskey (JL), Cagle, Carnes, Carothers, Carter, Clark (W), Clay, Crow, Cullins, Dolbare, Ford, Freeman, Fuller, Gaines, Gaston, Grayson, Hall, Harvey, Hawkins, Higginbotham, Hill, Hogan, Holladay, Holley, Holmes, Kennedy, Knight, Kvalheim, Lindsey, Mathis, McClain, McDaniel, McDowell, McMillan, Melton, Millican, Morrow, Morton, Newman, Newton (C), Newton (D), Parker (P), Payne, Perdue, Petelos, Powell, Rockhold, Rogers (F), Rogers (J), Sanderford, Sanderson, Smith (C), Starkey, Thomas, Turner, Venable, Warren, White, Willis and Zoghby.

-71

And the bill:

H. 429. To amend Section 11-43C-21, Code of Alabama 1975, relating to the powers of the council under the mayor-council form of government for Class 5 municipalities, so as to provide further that the council shall have the power to appoint certain employees to serve the council.

was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 65; Nays 0.

Yea:

Representatives Anderson, Barnes, Beasley, Biddle, Black (L), Black (M), Bowling, Box, Bryant, Burke, Buskey (JE), Buskey (JL), Cagle, Carns, Carothers, Carter, Clark (W), Clay, Crow, Cullins, Curry, Dolbare, Ford, Freeman, Fuller, Gaines, Grayson, Hall, Hawkins, Higginbotham, Hill, Hogan, Holladay, Holley, Holmes, Kennedy, Knight, Lindsey, Mathis, McClain,

McDaniel, McDowell, McMillan, Melton, Mikell, Morrow, Morton, Newman, Newton (C), Newton (D), Parker (P), Parker (T), Payne, Perdue, Powell, Rogers (J), Sanderford, Smith (C), Starkey, Thomas, Turner, Venable, Warren, Willis and Zoghby.

-65

BUDGET ISOLATION RESOLUTION CARRIED OVER

On motion of Representative Buskey (JL), the Budget Isolation Resolution and the bill, H. 21, were carried over to the eleventh legislative day.

BUDGET ISOLATION RESOLUTION CARRIED OVER

On motion of Representative Newman, the Budget Isolation Resolution and the bill, H. 77, were temporarily carried over.

MOTION TO ADJOURN LOST

The motion offered by Representative Rogers (J) that the House adjourn until 1:00 o'clock p.m., Tuesday, May 21, 1991, was lost.

Yeas 39; Nays 42.

Yea:

Representatives Barnes, Beasley, Biddle, Black (L), Bowling, Burke, Buskey (JL), Cagle, Carothers, Carter, Clay, Cosby, Crow, Cullins, Escott-Russell, Ford, Grayson, Haney, Harvey, Hill, Hogan, Holladay, Holmes, Laird, Mathis, McClain, McDowell, McKee, Newton (D), Parker (T), Payne, Perdue, Rogers (J), Smith (R), Spratt, Starkey, Turner, Walker and Willis.

-39

Nay:

Representatives Anderson, Black (M), Box, Buskey (JE), Carns, Clark (W), Dolbare, Freeman, Fuller, Gaines, Gaston, Gullatt, Hall, Hamilton, Hawkins, Higginbotham, Holley, Johnson, Kennedy, Knight, Kvalheim, Lindsey, McDaniel, McMillan, Mikell, Millican, Morrow, Morton, Newton (C), Penry, Poole, Rich, Rockhold, Rogers (F), Sanderford, Sanderson, Smith (C), Thomas, Venable, Warren, White and Zoghby.

-42

BUDGET ISOLATION RESOLUTION CARRIED OVER

On motion of Representative Fuller, the Budget Isolation Resolution and the bill, H. 24, were temporarily carried over.

**REPORT OF THE STANDING COMMITTEE
ON RULES ON ENROLLED AND ENGROSSED BILLS**

Mr. Speaker:

Your Standing Committee on Rules begs leave to report that it has examined the following House Bill, to-wit:

H. 374. To provide further for the availability of indigent health care, the operation of the medicaid program and the maintenance and expansion of medical services thereunder by imposing a privilege tax upon every provider of pharmaceutical services, except hospital inpatient pharmacies or pharmacies owned or operated by the state of Alabama or an agency thereof; to provide for collection of such tax and penalties; to provide for appropriations of such funds and their use by the Alabama medicaid agency; to prohibit the reduction or elimination of revenues resulting from this act which are applied to certain medicaid covered services or other enhancements; to require the timely payment by the Alabama medicaid agency of reimbursement due pharmaceutical providers; to provide that the provisions of this act shall remain effective only so long as adequate federal financial participation is available; and to authorize the department of revenue to adopt regulations as necessary to administer collection of the tax.

And finds same correctly enrolled.

TOMMY CARTER
Chairman

SIGNING OF BILL

The Speaker of the House, in the presence of the House, immediately after the title had been publicly read by the Clerk, the reading at length having been dispensed with by a two-thirds vote of a quorum present, signed the Bill, the title of which is set out in the foregoing Report of the Standing Committee on Rules.

**REPORT OF THE STANDING COMMITTEE
ON RULES ON ENROLLED AND ENGROSSED BILLS**

Mr. Speaker:

Your Standing Committee on Rules begs leave to report that it has examined the following House Bills, to-wit:

H. 375. To provide for the creation of the Alabama Health Care Trust Fund in the state treasury; to appropriate monies in the fund to the Alabama medicaid

agency; to provide that monies in the fund shall not revert to the general fund but shall be carried forward into each succeeding fiscal year; and to limit the reduction of appropriations to the medicaid agency from the general fund.

Also:

H. 376. To provide further for the availability of indigent health care, the operation of the medicaid program and the maintenance and expansion of medical services thereunder by imposing a privilege tax upon every nursing facility which has an agreement to participate in the Alabama medicaid program; to provide for collection of such tax and penalties; to provide for appropriations of such funds and their use by the Alabama medicaid agency; to require the timely payment by the Alabama medicaid agency of reimbursement due nursing facilities; to prohibit the reduction or elimination of revenues resulting from this act which are applied to certain medicaid covered services or other enhancements; to provide that the provisions of this act shall remain effective only so long as adequate federal financial participation is available; and to authorize the department of revenue to adopt regulations as necessary to administer collection of the tax.

Also:

H. 377. To provide further for the availability of indigent health care, the operation of the medicaid program and the maintenance and expansion of medical services thereunder by imposing a privilege tax upon every disproportionate share hospital in the state; to provide for collection of such tax and penalties; to provide for appropriations of such funds and their use by the Alabama medicaid agency; to provide for reimbursement of certain costs incurred by disproportionate share hospitals; to require the timely payment by the Alabama medicaid agency of disproportionate share payments due hospitals; to prohibit the reduction or elimination of revenues resulting from this act which are applied to certain medicaid covered services or other enhancements; to provide that the provisions of this act shall remain effective only so long as adequate federal financial participation is available; and to authorize the department of revenue to adopt regulations as necessary to administer collection of the tax.

And finds same correctly enrolled.

TOMMY CARTER
Chairman

SIGNING OF BILLS

The Speaker of the House, in the presence of the House, immediately after the titles had been publicly read by the Clerk, the reading at length having been dispensed with by a two-thirds vote of a quorum present, signed the Bills, the titles of which are set out in the foregoing Report of the Standing Committee on Rules.

INTRODUCTION OF BILLS

Upon a call of Districts, bills were introduced, severally read one time and

referred to appropriate standing committees as follows:

By Representative Mathis:

H. 689. Providing group health insurance for certain retired judges of probate in the state employees group health insurance plan and providing that such retired judges shall pay the entire cost for having such group health insurance during retirement.

COMMITTEE ON WAYS AND MEANS

By Representative Mathis:

H. 690. Relating to chiropractic services; to amend Sections 34-24-120 and 34-24-122, Code of Alabama 1975, relating to the definitions, authorities, rights and duties of chiropractic practitioners in Alabama, so as to provide further for the practice of chiropractic physicians, and the accreditation of schools of chiropractic, and to provide further for the authorities, rights and duties of chiropractic physicians.

COMMITTEE ON HEALTH

By Representative Haney:

H. 691. To propose that those responsible for criminal activity may, when they have the financial ability to do so, be required by the court to make payments to a local crime stoppers program to help pay for crime stoppers' rewards.

COMMITTEE ON JUDICIARY

By Representative Crow:

H. 692. To amend Sections 11-43-180, 11-43-181, 11-43-182, 11-43-183, 11-43-185 and 11-43-187, Code of Alabama 1975, relating to civil service systems for paid municipal law enforcement officers, so as to include participation by paid municipal firefighters into such civil service systems.

COMMITTEE ON LOCAL GOVERNMENT

By Representative Cullins (With Notice and Proof):

H. 693. Relating to Tallapoosa County; providing for the county commission to reimburse the office of probate judge for certain monetary loss resulting from the performance of official duties for errors or mistakes made in good faith, not to exceed a certain maximum per annum; and providing that the probate judge may charge a fee for invalid checks.

COMMITTEE ON LOCAL LEGISLATION NO. 1

I HEREBY CERTIFY THAT THE NOTICE & PROOF IS ATTACHED TO THE BILL, H. 693, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA,

1975 ACT NO. 919.

GREG PAPPAS, ASSISTANT CLERK

By Representatives Williams, Hall, Newman, Letson, Haynes, Smith (C), Millican, Poole, Payne, Biddle, Morton, Hill, Knight, Morrow, McKee, Burke, Rich, Holley, McDowell, Sanderson, Gaines, Buskey (JL), Black (M), and Rogers (F):

H. 694. To create a "pilot project" for the Secretary of State to establish specifications for a uniform system of electronic voting and for the electronic transfer of election totals from counties to the Secretary of State's office.

COMMITTEE ON CONSTITUTION AND
ELECTIONS

By Representative Warren:

H. 695. To amend §36-27-23 of the Code of Alabama 1975, relating to the Employees' Retirement System of Alabama so as to provide for representation thereon for members of local units, to prescribe a method for their election and to provide for their terms of office.

COMMITTEE ON STATE ADMINISTRATION

By Representatives Butler, Clark (J), Harper, Fuller, Gaston, Burke, McDaniel, Hooper, Lindsey, and McDowell:

H. 696. To provide for an additional penalty for the distribution of or trafficking in a controlled substance near a school.

COMMITTEE ON JUDICIARY

By Representatives Butler, Clark (J), Harper, Burke, and Lindsey:

H. 697. To establish a procedure for regulating and monitoring the payment of private attorneys rendering legal services to the State of Alabama and for governing the method of their compensation.

COMMITTEE ON WAYS AND MEANS

By Representatives Higginbotham and Butler:

H. 698. To authorize the Attorney General of Alabama to issue subpoenas.

COMMITTEE ON WAYS AND MEANS

By Representatives Sanderson, Gaines, McClain, Curry, Carns, and Hawkins (With Notice and Proof):

H. 699. Relating to Jefferson County; to amend Act No. 993, H. 1089, 1971

Regular Session, as amended, so as to provide for the appointment by the county commission of three (3) directors for the county transit authority and to provide for the initial terms of office of the new directors.

COMMITTEE ON LOCAL LEGISLATION NO. 2

I HEREBY CERTIFY THAT THE NOTICE & PROOF IS ATTACHED TO THE BILL, H. 699, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

GREG PAPPAS, ASSISTANT CLERK

By Representatives Buskey (JL), Knight, McClain, Freeman, Barnes, McDowell, Spratt, Grayson, Escott-Russell, Curry, Hooper, Bugg, Butler, Kvalheim, Carothers, Haynes, Mathis, and Fuller:

H. 700. To make an appropriation from the Alabama Special Educational Trust Fund to the AIDS Task Force of Alabama, Inc., for the fiscal year beginning October 1, 1991, for programs to help prevent the spread of AIDS; to require an operations plan and audited financial statement.

COMMITTEE ON WAYS AND MEANS

By Representatives Butler and Hooper:

H. 701. To amend Section 23-2-147, Code of Alabama 1975, relating to the Alabama Toll Road, Bridge and Tunnel Authority, so as to set the rate of yield on the premiums to the competitive rate at the time the bond issue is formed.

COMMITTEE ON WAYS AND MEANS

By Representatives McClain and Petelos (With Notice and Proof):

H. 702. To alter, rearrange and extend the boundary lines and corporate limits of the municipality of Midfield in Jefferson County.

COMMITTEE ON LOCAL LEGISLATION NO. 2

I HEREBY CERTIFY THAT THE NOTICE & PROOF IS ATTACHED TO THE BILL, H. 702, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

GREG PAPPAS, ASSISTANT CLERK

By Representative Mathis:

H. 703. To levy a bond issuance fee on the sale of all industrial development bonds, including those issued by medical clinic boards; to provide for the collection, distribution and use of the proceeds of such fee; to prescribe penalties and fixing punishment for violation of this act; to provide for enforcement of this act by the state department of revenue; to provide for the creation of the

Treasurer's Small Business Economic Development Fund and to provide for the implementation of this act.

COMMITTEE ON WAYS AND MEANS

By Representatives Carothers, Mathis, and Beasley:

H. 704. To direct and authorize the department of conservation and natural resources, game and fish division, to enter into certain reciprocal agreements with the State of Florida so as to allow the respective states to honor any valid fishing or hunting license for Alabama or Florida, in possession of the citizens of either state, who are sixty-five years or older, to fish or hunt by the reciprocal state without further charge; to authorize the department to issue and enforce reasonable rules and regulations pursuant to any reciprocal agreement with Florida.

COMMITTEE ON HEALTH

By Representative Carothers:

H. 705. To exempt the sale of oxygen and durable medical equipment dispensed by participating providers under the Medicare and Medicaid programs from state and local sales, use and rental and leasing taxes.

COMMITTEE ON WAYS AND MEANS

By Representative Harper:

H. 706. To expand the purposes for which the Alabama Youth Services Board may expend certain funds appropriated in Act 90-764, section 2C.

COMMITTEE ON WAYS AND MEANS

By Representative Mathis:

H. 707. To make an appropriation from the state general fund to the Department of Economic Development and Community Affairs, to make grants to promote the development and expansion of small business incubators and entrepreneurial services throughout the state that qualified public entities may use to facilitate access to other grant or local funds for this purpose; to name the contents of this bill and the programs established by the Alabama Small Business Incubator Act; to authorize the regional revolving loan policy committee established in Act 90-650 to administer this act; to authorize the said regional revolving loan policy committee to establish an advisory committee of knowledgeable entrepreneurial economic developers to assist in the duties of the committee; to provide appropriate resources for the administration of the programs established by the enactment of this bill; and to authorize the Department of Economic Development and Community Affairs to promulgate and implement rules and procedures for the administration of programs.

COMMITTEE ON WAYS AND MEANS

By Representative Layson (With Notice and Proof):

H. 708. Relating to Pickens County; repealing Act No. 83-706, H. 857, 1983 Regular Session and Act No. 84-554, 1984 Regular Session, which provide for assessments on forest lands for fire protection.

COMMITTEE ON LOCAL LEGISLATION NO. 1

I HEREBY CERTIFY THAT THE NOTICE & PROOF IS ATTACHED TO THE BILL, H. 708, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

GREG PAPPAS, ASSISTANT CLERK

By Representatives Knight, Hill, Petelos, Rogers (F), and Curry:

H. 709. To require an annual financial statement be disclosed by publication in a newspaper, in the county in which the governmental entity is located, of general circulation by any governmental entity that has specific statutory authority to collect fees or charges for services, including, but not limited to fire or library districts.

COMMITTEE ON LOCAL GOVERNMENT

By Representatives McMillan, Kvalheim, and Gaston:

H. 710. To amend Sections 34-27-8, 34-27-32, 34-27-33, 34-27-34, 34-27-35 and 34-27-36 of the Code of Alabama 1975, relating to real estate brokers so as to provide further that a quorum consisting of a majority of the commission members may act and to require agency disclosure in each offer to purchase; to amend licensing requirements to add 15 hours to the prelicense course and to comply with federal court order; to provide for forfeiture of entire exam fee on failure to appear; to expand further the time allowed an applicant after passing the exam to have his license issued; to delete license transfers during September of the final year of a license period; to provide further that real estate licenses reflect license registration requirements and to clarify further renewal and issuance of inactive licenses; to remove continuing education exemption for those over 65; to remove requirement of refresher course; and to provide further for disciplinary action.

COMMITTEE ON STATE ADMINISTRATION

By Representative Letson:

H. 711. To appropriate annually interest accumulated on funds received from the sale of the Courtland airbase, held on deposit in a fund of the state aeronautics department, to the Lawrence County Industrial Development Board-George C. Wallace Airport Authority.

COMMITTEE ON WAYS AND MEANS

By Representative Haynes:

H. 712. To amend section 34-27-35 of the Code of Alabama 1975, which related to real estate salesmen and brokers' licenses so as to provide that the requirements for continuing education shall not apply to members of the Alabama Legislature.

COMMITTEE ON STATE ADMINISTRATION

By Representatives Sanderson, Payne, Hawkins, Morton, Curry, and Gaines (With Notice and Proof):

H. 713. Relating to the City of Birmingham in Jefferson County; to amend Act No. 929, 1951 Regular Session (General Acts of 1951, p. 1579), as amended, which act created a retirement and relief system for officers and employees of the City of Birmingham, so as to provide further for participant and city contributions, for benefit increases, cost-of-living increases and related matters.

COMMITTEE ON LOCAL LEGISLATION NO. 2

I HEREBY CERTIFY THAT THE NOTICE & PROOF IS ATTACHED TO THE BILL, H. 713, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

GREG PAPPAS, ASSISTANT CLERK

By Representative Mathis:

H. 714. To provide for indemnity from liability for probate judges, tax assessors, tax collectors, revenue commissioners and license commissioners resulting from monetary loss as a consequence of good faith errors or honest mistakes made in the performance of their duties, provided that the State Auditor or Examiners of Public Accounts certifies that such errors or mistakes were made in good faith, and provided that the indemnity shall not exceed the sum of Five Thousand Dollars (\$5,000) per annum.

COMMITTEE ON JUDICIARY

By Representative Barnes (With Notice and Proof):

H. 715. To amend Section 11-52-3, Code of Alabama 1975, to authorize compensation for meetings attended by appointed members of the Planning Commission of Class 1 municipalities who are neither elected officials nor employees of the municipality.

COMMITTEE ON LOCAL LEGISLATION NO. 2

I HEREBY CERTIFY THAT THE NOTICE & PROOF IS ATTACHED TO THE BILL, H. 715, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

GREG PAPPAS, ASSISTANT CLERK

By Representatives Fuller and Laird (With Notice and Proof):

H. 716. Relating to Chambers County; amending Act No. 475, H. 304, 1973 Regular Session, which established the county commission, so as to provide further for the meetings of the county commission.

COMMITTEE ON LOCAL LEGISLATION NO. 1

I HEREBY CERTIFY THAT THE NOTICE & PROOF IS ATTACHED TO THE BILL, H. 716, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

GREG PAPPAS, ASSISTANT CLERK

By Representatives Fuller and Laird (With Notice and Proof):

H. 717. Relating to Chambers County; amending Act No. 81-466, H. 974 of the 1981 Regular Session (Acts 1981, p. 816), providing for the mileage allowance of the county coroner, so as to make a monthly payment in lieu of such mileage payable from the county general fund.

COMMITTEE ON LOCAL LEGISLATION NO. 1

I HEREBY CERTIFY THAT THE NOTICE & PROOF IS ATTACHED TO THE BILL, H. 717, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

GREG PAPPAS, ASSISTANT CLERK

By Representatives Poole, Beasley, Johnson, Haynes, Mathis, and Layson:

H. 718. To amend Sections 36-30-20 and 36-30-21, Code of Alabama 1975, so as to extend the coverage of benefits for "Policemen's Occupational Diseases" to other law enforcement officers.

COMMITTEE ON WAYS AND MEANS

By Representative Lindsey (With Notice and Proof):

H. 719. Relating to Cleburne County; repealing Act No. 81-139, H. 576, 1981 Regular Session, as amended, which provides for an assessment on forest lands for fire protection.

COMMITTEE ON LOCAL LEGISLATION NO. 1

I HEREBY CERTIFY THAT THE NOTICE & PROOF IS ATTACHED TO THE BILL, H. 719, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

GREG PAPPAS, ASSISTANT CLERK

By Representatives Rogers (J), McDowell, and McClain:

H. 720. To amend Section 11-63-1 of the Code of Alabama 1975, relating to financial assistance for certain public corporations so as to provide further for the appointment of the directors.

COMMITTEE ON LOCAL GOVERNMENT

By Representative White:

H. 721. To provide that for any law which results in a net increase in periods of imprisonment in state facilities, there shall be appropriated from recurring revenues the estimated cost of said law, to provide for the method of determining said appropriations, to provide for inclusion of said amount in the budget, to provide for the use of said funds and to provide any act enacted without said funding requirement shall be null and void.

COMMITTEE ON JUDICIARY

By Representative Thomas (With Notice and Proof):

H. 722. Relating to Lowndes County; providing further for the compensation of the county coroner and repealing Act No. 620, H. 795, 1967 Regular Session, as amended, and Act No. 515, H. 1135, 1965 Regular Session, as amended.

COMMITTEE ON LOCAL LEGISLATION NO. 1

I HEREBY CERTIFY THAT THE NOTICE & PROOF IS ATTACHED TO THE BILL, H. 722, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

GREG PAPPAS, ASSISTANT CLERK

By Representative Thomas (With Notice and Proof):

H. 723. Relating to Lowndes County; authorizing the county commission to levy additional sales and use taxes paralleling the state sales tax provided for in Sections 40-23-1, 40-23-2, 40-23-3 40-23-4, 40-23-60, 40-23-61, 40-23-62 and 40-23-63 of the Code of Alabama 1975, as amended, providing for the collection, distribution and use of the proceeds of such tax; providing for the enforcement of this act by the state department of revenue; and prescribing penalties and fixing punishment for violation of this act.

COMMITTEE ON LOCAL LEGISLATION NO. 1

I HEREBY CERTIFY THAT THE NOTICE & PROOF IS ATTACHED TO THE BILL, H. 723, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

GREG PAPPAS, ASSISTANT CLERK

By Representatives McDaniel, Richardson, Rich, Petelos, Morton, Rogers (F), Gaines, Sanderson, Hamilton, Fuller, Ford, Harvey, Burke, Cosby, Grayson, and Sanderford:

H. 724. To allow members of the United States Armed Forces Reserves to purchase distinctive motor vehicle license plates and provides for the preparation and issuance of such plates and for fees.

COMMITTEE ON WAYS AND MEANS

By Representative Layson (With Notice and Proof):

H. 725. Relating to Pickens County; providing that the Pickens County Commission may establish and adopt voting centers by resolution.

COMMITTEE ON LOCAL LEGISLATION NO. 1

I HEREBY CERTIFY THAT THE NOTICE & PROOF IS ATTACHED TO THE BILL, H. 725, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

GREG PAPPAS, ASSISTANT CLERK

By Representatives Gaines, Curry, Sanderson, Petelos, Rogers (F), and Morton (With Notice and Proof):

H. 726. Relating to Jefferson County; amending Act No. 771, H. 534, 1971 Regular Session, which provides a penalty for the payment of any tax or fee by a worthless check, so as to provide further for such penalty.

COMMITTEE ON LOCAL LEGISLATION NO. 2

I HEREBY CERTIFY THAT THE NOTICE & PROOF IS ATTACHED TO THE BILL, H. 726, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

GREG PAPPAS, ASSISTANT CLERK

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has concurred in and adopted the Executive amendment to the Bill:

H. 466. To amend Sections 24-7-2 and 24-7-3 of the Code of Alabama 1975, which provide for the Mowa Choctaw Housing Authority, so as to provide further for the appointment of members of the Authority and to provide further for the duties and powers of the Authority.

by a majority of the whole number elected to the Senate, said vote being: Yeas 20, Nays 1.

And said bill, H. 466, together with the Executive amendment, is herewith returned to the House.

MCDOWELL LEE
Secretary

**REPORT OF THE STANDING COMMITTEE
ON RULES ON ENROLLED AND ENGROSSED BILLS**

Mr. Speaker:

Your Standing Committee on Rules begs leave to report that it has examined the following House Bill, to-wit:

H. 466. To amend Sections 24-7-2 and 24-7-3 of the Code of Alabama 1975, which provide for the Mowa Choctaw Housing Authority, so as to provide further for the appointment of members of the Authority and to provide further for the duties and powers of the Authority.

And finds same correctly enrolled with Executive Amendment.

TOMMY CARTER
Chairman

SIGNING OF BILL

The Speaker of the House, in the presence of the House, immediately after the title had been publicly read by the Clerk, the reading at length having been dispensed with by a two-thirds vote of a quorum present, signed the Bill, the title of which is set out in the foregoing Report of the Standing Committee on Rules.

CERTIFICATE OF CLERK

To the House of Representatives:

I hereby certify that the House Joint Resolution and the House Bills mentioned were delivered to the Executive Department on the date and hour named and that I hold the receipt of the Executive Department for same.

Delivered to the Governor at 11:35 A.M. on May 16, 1991.

H.J.R. 128

Delivered to the Governor at 12:00 Noon on May 16, 1991.

H. 466

Delivered to the Governor at 2:25 P.M. on May 16, 1991.

H. 374

H. 376

H. 375

H. 377

Delivered to the Governor at 3:05 P.M. on May 16, 1991.

H. 466 (Executive Amendment)

GREG PAPPAS
Assistant Clerk

ADJOURNMENT

On motion of Representative Ford and pursuant to the resolution, H.R. 179, heretofore adopted, the House adjourned until 1:00 o'clock p.m., Tuesday, May 21, 1991.

Yeas 43; Nays 42.

Yea:

Representatives Barnes, Biddle, Black (L), Bowling, Box, Bryant, Burke, Buskey (JE), Buskey (JL), Cagle, Clay, Cosby, Crow, Cullins, Dolbare, Ford, Haney, Harvey, Higginbotham, Hill, Hogan, Holladay, Holmes, Hooper, Laird, Layson, McClain, McDowell, McKee, Morrow, Newman, Newton (D), Parker (P), Parker (T), Payne, Perdue, Rogers (J), Smith (R), Starkey, Turner, Walker, Williams and Willis.

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Nay:

Representatives Anderson, Beasley, Black (M), Blakeney, Campbell, Carns, Carothers, Carter, Curry, Flowers, Freeman, Fuller, Gaston, Goodwin, Gullatt, Hall, Hawkins, Haynes, Johnson, Knight, Kvalheim, Lindsey, Mathis, McDaniel, McMillan, Morton, Newton (C), Penry, Poole, Powell, Rich, Richardson, Rockhold, Rogers (F), Sanderford, Sanderson, Smith (C), Thomas, Venable, Warren, White and Zoghby.

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ELEVENTH DAY

**House of Representatives
Montgomery, Alabama
Tuesday, May 21, 1991**

The House met pursuant to adjournment.

PRAYER

The session was opened with prayer by Reverend Greg Belser, Morningview Baptist Church, Montgomery, Alabama.

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Emily Putnam, Pizitz Middle School, Birmingham, Alabama.

ROLL CALL

On a call of the roll of the House, the following members answered to their names:

Mr. Speaker, Anderson, Barnes, Beasley, Biddle, Black (L), Black (M), Blakeney, Bowling, Box, Bryant, Bugg, Burke, Buskey (JE), Buskey (JL), Butler, Cagle, Campbell, Carns, Carothers, Carter, Clark (W), Clay, Coshy, Crow, Cullins, Curry, Dolbare, Drake, Escott-Russell, Flowers, Ford, Freeman, Fuller, Gaines, Gaston, Goodwin, Grayson, Gullatt, Hall, Hamilton, Hammett, Haney, Harper, Harvey, Hawkins, Haynes, Higginbotham, Hill, Hogan, Holladay, Holley, Holmes, Hooper, Johnson, Kennedy, Knight, Kvalheim, Laird, Layson, Letson, Lindsey, Mathis, McClain, McDaniel, McDowell, McKee, McMillan, Melton, Mikell, Millican, Morrow, Morton, Newman, Newton (C), Newton (D), Parker (P), Parker (T), Payne, Penry, Perdue, Petelos, Poole, Powell, Rich, Richardson, Rockhold, Rogers (F), Rogers (J), Sanderford, Sanderson, Smith (C), Smith (R), Spratt, Thomas, Turner, Turnham, Venable, Walker, Warren, White, Williams, Willis and Zoghby.

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A quorum was present.

REPORT OF STANDING COMMITTEE ON RULES

House of Representatives:

Your Standing Committee on Rules begs leave to report that it has carefully examined the Journal of the House for the tenth legislative day and finds the same to be correct.

TOMMY CARTER
Chairman

On motion of Representative Carter, the reading at length of the Journal of the House for the tenth legislative day was dispensed with, the Report of the Standing Committee on Rules was concurred in and adopted and the Journal for the tenth legislative day was approved.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has concurred in and adopted the following House Joint Resolution and returns same herewith to the House:

H.J.R. 121. RECOGNIZING THE ALABAMA JUNIOR COLLEGE ATHLETIC HALL OF FAME.

MCDOWELL LEE
Secretary

REPORT OF STANDING COMMITTEE ON RULES

Representative Carter, Chairman of the Standing Committee on Rules, reported that said Committee, in session, had acted on the following resolution and ordered same returned to the House with a favorable report, with amendment:

H.J.R. 90. CREATING A JOINT INTERIM LEGISLATIVE COMMITTEE ON THE ENVIRONMENT.

H.J.R. 90 TEMPORARILY CARRIED OVER

On motion of Representative Letson, the resolution, H.J.R. 90, and the pending committee amendment were temporarily carried over.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has passed the following House Bill and returns same herewith to the House:

H. 145. Relating to the administration of fiduciary accounts by duly authorized banks and trust companies by requiring timely investment of idle funds, by setting a quality standard, requiring a reasonable rate of return, providing for compensation and providing for the application of this act to fiduciary accounts now existing or hereafter created.

MCDOWELL LEE
Secretary

BILLS ON SECOND READING

Representative Bowling, Chairperson of the Standing Committee on Local Legislation No. 1, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, and they were severally read a second time and placed on the Calendar, to-wit:

H. 618. To alter or rearrange the boundary lines of the Town of Silas, Choctaw County, Alabama, so as to include within the corporate limits of said town all territory now within such corporate limits and also certain other territory contiguous thereto, in Choctaw County, Alabama.

H. 669. Relating to Perry County; repealing Act No. 80-492, H. 1040, 1980 Regular Session, as amended, which provides for an assessment on forest lands for fire protection.

Representative Petelos, Chairperson of the Standing Committee on Local Legislation No. 2, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, with substitute, and it was read a second time and placed on the Calendar, to-wit:

H. 602. (With Substitute): Relating to Jefferson County; requiring the county commission to provide for the necessary accommodations in the county courthouse for centralizing the issuance of licenses so as to enable an individual to initially obtain or renew any type of state, county or municipal business, recreational or privilege license required by law without having to go to various political subdivision licensing offices throughout the county and authorizing the county to charge a certain processing fee for centralizing such issuance.

Representative Petelos, Chairperson of the Standing Committee on Local Legislation No. 2, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, and it was read a second time and placed on the Calendar, to-wit:

H. 651. To approve and authorize the County Commission of Jefferson County, Alabama to increase the rate at which ad valorem taxes are levied in the Jefferson County School District for public school purposes in the District, pursuant to the election in said District held on February 11, 1969, under the Jefferson County Consolidation School Tax Amendment of the Alabama Constitution (Amendment No. 82), adjusted in accordance with Amendment Nos. 325 and 373 to the Alabama Constitution, or pursuant to such elections as may subsequently be held under the Jefferson County Consolidation School Tax Amendment (Amendment No. 82), adjusted in accordance with Amendment Nos. 325 and 373 to the Alabama Constitution, to approve, renew, or extend said tax levy, from \$.88 to \$2.28 on each \$100 of taxable property in the Jefferson County School District (consisting of all areas of Jefferson County outside of the municipalities of Birmingham, Bessemer, Fairfield, Mountain Brook, Homewood, Vestavia Hills, Tarrant City, Midfield and Hoover), the proceeds of said tax to be used for public school purposes in said School District, subject, however, to the approval of the qualified electors residing in the Jefferson County School District who vote on the proposal at a special election.

LEAVE OF ABSENCE

At the request of Representative Turnham, leave of absence was granted for Representative Starkey.

MOTION ADOPTED

On motion of Representative Carothers, the floor was opened for nominations for the vacant office of Clerk of the House.

ELECTION OF CLERK

Representative Arthur Payne of Jefferson County placed in nomination for Clerk of the House of Representatives, the Honorable Greg Pappas of Montgomery County, which was seconded by Representative Joe Carothers, Jr. of Houston County, and Representative James E. Buskey of Mobile County. Representative White moved that the nominations be closed, and the motion was adopted.

Yeas 88; Nays 0.

Yea:

Mr. Speaker, Anderson, Barnes, Beasley, Biddle, Black (L), Black (M), Blakeney, Box, Bryant, Burke, Buskey (JE), Buskey (JL), Butler, Cagle, Campbell, Carns, Carothers, Carter, Clark (W), Crow, Cullins, Curry, Dolbare, Drake, Flowers, Ford, Freeman, Fuller, Gaines, Gaston, Goodwin, Gullatt, Hall, Hamilton, Haney, Harper, Harvey, Hawkins, Haynes, Higginbotham, Hill, Hogan, Holladay, Holley, Hooper, Johnson, Kennedy, Knight, Kvalheim, Laird, Lindsey, Mathis, McDaniel, McKee, McMillan, Melton, Mikell, Millican, Morrow, Morton, Newman, Newton (C), Newton (D), Parker (P), Parker (T), Payne, Penry, Perdue, Petelos, Poole, Powell, Rich, Richardson, Rockhold, Rogers (F), Sanderford, Sanderson, Smith (C), Smith (R), Turnham, Venable, Walker, Warren, White, Williams, Willis and Zoghby.

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The Honorable Greg Pappas, having received all of the votes of the 105 members elected to the House of Representatives, was declared duly and constitutionally elected Clerk of the House of Representatives for the term prescribed by law. Those who voted for him are:

Mr. Speaker, Anderson, Barnes, Beasley, Biddle, Black (L), Black (M), Blakeney, Bowling, Box, Brooks, Bryant, Bugg, Burke, Buskey (JE), Buskey (JL), Butler, Cagle, Campbell, Carns, Carothers, Carter, Clark (W), Clay, Cosby, Crow, Cullins, Curry, Dolbare, Drake, Escott-Russell, Flowers, Ford, Freeman, Fuller, Gaines, Gaston, Goodwin, Grayson, Gullatt, Hall, Hamilton, Hammett, Harper, Harvey, Hawkins, Haynes, Higginbotham, Hill, Hogan, Holladay, Holley, Holmes,

Hooper, Johnson, Kennedy, Knight, Kvalheim, Laird, Layson, Letson, Lindsey, Mathis, McClain, McDaniel, McDowell, McKee, McMillan, Melton, Mikell, Millican, Morrow, Morton, Newman, Newton (C), Newton (D), Parker (P), Parker (T), Payne, Penry, Perdue, Petelos, Poole, Powell, Rich, Richardson, Rockhold, Rogers (F), Rogers (J), Sanderford, Sanderson, Smith (C), Smith (R), Spratt, Starkey, Thomas, Turner, Turnham, Venable, Walker, Warren, White, Williams, Willis and Zoghby.

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OATH OF OFFICE

The oath of office prescribed by the Constitution of the State of Alabama was then administered to the Honorable Greg Pappas by the Honorable James S. Clark, Speaker of the House.

RESOLUTIONS

The following resolutions were introduced:

By Representative Campbell:

H.R. 196. SETTING SALARY OF CLERK OF HOUSE OF REPRESENTATIVES

BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES, That the salary of the Clerk of the House of Representatives be set at Seventy Two Thousand Dollars (\$72,000.00) per annum commencing with the pay period ending June 7, 1991.

On motion of Representative Campbell, the rules were suspended and the resolution, H.R. 196, was adopted.

Also:

By Representative Campbell:

H.R. 197. RELATIVE TO MEETING DAYS

BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES, That when we adjourn today, Tuesday, May 21, 1991, we adjourn to meet again on Thursday, May 23, 1991, at 10:00 a.m.

On motion of Representative Campbell, the rules were suspended and the resolution, H.R. 197, was adopted.

Also:

By Representative Campbell:

H.J.R. 198. SETTING JOINT SESSION

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That a joint session of the House and Senate be held at 1:30 P.M. on May 28, 1991, for the purpose of hearing the message of the General William S. Chen and General John (Jack) S. Peppers pursuant to H.J.R. 128, 1991 Regular Session.

On motion of Representative Campbell, the rules were suspended and the resolution, H.J.R. 198, was adopted.

**REPORT OF THE STANDING COMMITTEE
ON RULES ON ENROLLED AND ENGROSSED BILLS**

Mr. Speaker:

Your Standing Committee on Rules begs leave to report that it has examined the following House Joint Resolution, to-wit:

H.J.R. 121. RECOGNIZING THE ALABAMA JUNIOR COLLEGE ATHLETIC HALL OF FAME.

And finds same correctly enrolled.

TOMMY CARTER
Chairman

SIGNING OF HOUSE JOINT RESOLUTION

The Speaker of the House, in the presence of the House, immediately after the title had been publicly read by the Clerk, the reading at length having been dispensed with by a two-thirds vote of a quorum present, signed the House Joint Resolution, the title of which is set out in the foregoing Report of the Standing Committee on Rules.

**REPORT OF THE STANDING COMMITTEE
ON RULES ON ENROLLED AND ENGROSSED BILLS**

Mr. Speaker:

Your Standing Committee on Rules begs leave to report that it has examined the following House Bill, to-wit:

H. 145. Relating to the administration of fiduciary accounts by duly authorized banks and trust companies by requiring timely investment of idle funds, by setting a quality standard, requiring a reasonable rate of return, providing for compensation and providing for the application of this act to fiduciary accounts now existing or hereafter created.

And finds same correctly enrolled.

TOMMY CARTER
Chairman

SIGNING OF BILL

The Speaker of the House, in the presence of the House, immediately after the title had been publicly read by the Clerk, the reading at length having been dispensed with by a two-thirds vote of a quorum present, signed the Bill, the title of which is set out in the foregoing Report of the Standing Committee on Rules.

INTRODUCTION OF BILLS

Upon a call of Districts, bills were introduced, severally read one time and referred to appropriate standing committees as follows:

By Representative Mathis:

H. 727. To amend Section 40-6A-2, Code of Alabama 1975, which is related to the compensation of tax assessors, tax collectors, revenue commissioners, license commissioners, or other persons charged with assessing and collecting ad valorem taxes in the various counties of this State, so as to change the designation for the second population bracket from an upper limit of 75,000 to an upper limit of 74,500, and for the third population bracket from a lower limit of 75,001 to a lower limit of 74,501, and to provide an effective date of October 1, 1991.

COMMITTEE ON WAYS AND MEANS

By Representative Richardson (With Notice and Proof):

H. 728. To amend Section 1 of Act No. 89-397, H. 673 of the 1989 Regular Session (Acts 1989, p. 776), which levied a certain tax on tobacco and tobacco products in Jackson County, so as to provide further for such tax.

COMMITTEE ON LOCAL LEGISLATION NO. 1

I HEREBY CERTIFY THAT THE NOTICE & PROOF IS ATTACHED TO THE BILL, H. 728, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

GREG PAPPAS, CLERK

By Representative Burke:

H. 729. Relating to aviation fuel taxes; to amend Section 40-17-31 of the Code of Alabama 1975, so as to stabilize aviation fuel tax rates in order to facilitate operations, planning and project development by the Alabama Department of Aeronautics; to repeal subdivision (4) of subsection (d) of said section, the "hub operation within the state" exemption; to provide the Alabama Department of Revenue necessary rule making authority; and to provide for an effective date.

**COMMITTEE ON COMMERCE,
TRANSPORTATION AND UTILITIES**

By Representatives Bryant, Richardson, Clark (J), Layson, Cosby, Smith (C), Blakeney, and Black (L):

H. 730. To amend Section 9-11-84, Code of Alabama 1975, as last amended, relating to the sale or transportation of certain game fish, so as to provide for the applicability of the provisions thereof to certain hybrids of certain species, to further provide for certain exceptions and to provide for the promulgation of rules and regulations allowing the certain sale of certain game fish raised or cultured in private waters.

**COMMITTEE ON AGRICULTURE, FORESTRY
AND NATURAL RESOURCES**

By Representative Carter (With Notice and Proof):

H. 731. Relating to Limestone County; so as to further provide for an additional expense allowance and expiration date therefor and the coroner and deputy coroner's compensation, in the next term of office for coroner and deputy coroner and to authorize the coroner and deputy coroner to use their compensation to employ an assistant as needed.

COMMITTEE ON LOCAL LEGISLATION NO. 1

**I HEREBY CERTIFY THAT THE NOTICE & PROOF IS ATTACHED TO
THE BILL, H. 731, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA,
1975 ACT NO. 919.**

GREG PAPPAS, CLERK

By Representative Hamilton (With Notice and Proof):

H. 732. Relating to Limestone County; so as to further provide for an additional expense allowance and expiration date therefor and the chairman and members of the county commission compensation, in the next term of office, and to provide for retroactive effect.

COMMITTEE ON LOCAL LEGISLATION NO. 1

**I HEREBY CERTIFY THAT THE NOTICE & PROOF IS ATTACHED TO
THE BILL, H. 732, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA,
1975 ACT NO. 919.**

GREG PAPPAS, CLERK

By Representative Mikell:

H. 733. To amend Section 22-20-3, Code of Alabama 1975, which provides for neonatal testing for certain diseases, so as to authorize certain other tests and the collection of a fee for the newborn screening program.

COMMITTEE ON HEALTH

By Representative Bugg (With Notice and Proof):

H. 734. Relating to Etowah County; providing for the mode of establishing the construction, maintenance and repair of public roads, highways, bridges and ferries under the county unit system; authorizing and requiring the county commission to employ and regulate the compensation of a county engineer; providing for the manner of selecting said engineer; prescribing his qualifications and requiring bond; and defining his authority, powers and duties and those of the county commission in relation to the roads, bridges and ferries of Etowah County.

COMMITTEE ON LOCAL LEGISLATION NO. 1

I HEREBY CERTIFY THAT THE NOTICE & PROOF IS ATTACHED TO THE BILL, H. 734, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

GREG PAPPAS, CLERK

By Representatives Butler, Fuller, Turnham, Freeman, Clark (J), Burke, Harvey, Rogers (J), Barnes, Ford, Powell, Lindsey, Starkey, Campbell, Higginbotham, Kennedy, McClain, Hall, Hooper, Williams, Carothers, Haney, Johnson, Mathis, Blakeney, Kvalheim, Gaston, Hamilton, Penry, McKee, Warren, Hogan, Cagle, Willis, Buskey (JL), Layson, Holladay, Beasley, Rockhold, Zoghby, Gullatt, McDowell, Hawkins, Bugg, Haynes, Bryant, Black (L), Dolbare, Laird, Cullins, Buskey (JE), Clark (W), McMillan, Holley, Perdue, Escott-Russell, Knight, Richardson, Sanderford, Smith (C), Black (M), Bowling, Walker, Grayson, Spratt, Newman, Millican, Parker (T), McDaniel, Smith (R), Curry, Carns, Anderson, Parker (P), Holmes, Venable, Mikell, Thomas, and Flowers:

H. 735. To amend Section 29-2-41.2 of the Code of Alabama 1975, relating to the contract review permanent legislative oversight committee, so as to provide that the term "personal and professional services" shall specifically include certain contracts for legal services.

COMMITTEE ON WAYS AND MEANS

By Representative Harper:

H. 736. To amend further Code of Alabama 1975, Section 32-5-313, relating to penalties for traffic infractions to provide funding for the driver education and training fund the Alabama college system truck driver training consortium fund, the catastrophic trust fund for special education, the Alabama traffic safety center fund and the state safety coordinating committee, so as to increase the penalty and to provide further for the distribution of funds.

COMMITTEE ON WAYS AND MEANS

By Representative Harper:

H. 737. To establish a farm to market enhancement committee composed of

the commissioner of agriculture and industries, who shall be chairman, the chairman of the agriculture, forestry and natural resources committee in the House of Representatives of the Legislature of Alabama, the chairman of the agriculture, conservation and forestry committee in the Senate of the Legislature of Alabama, a member to be appointed by the commissioner of agriculture and industries, and the president of Alabama farmers federation, with the members receiving no salary but may be reimbursed expenses; to have the committee investigate and stimulate the production and marketing of agricultural products; to authorize the committee to appoint one person per congressional district who shall be entitled to per diem of \$100 per day, limited to \$25,000 per year, and expenses with said persons being subject to appointment and dismissal at will by the committee; to allow the hiring of one person from the unclassified service and other employees from the classified services as needed; to require that the department of agriculture and industries aid and assist the committee; to appropriate the sum of \$500,000 from the state general fund to the committee for its work and to allow the acceptance of grants and to contract for services.

COMMITTEE ON WAYS AND MEANS

By Representative Bugg (With Notice and Proof):

H. 738. Relating to Etowah County; to provide that the probate judge shall provide for an additional method of ordering annual certificates of registration of boats by mail; to provide that the probate judge shall charge an additional \$2.00 to the boat owner for each such certificate issued by mail, and to provide for the disposition of such fees.

COMMITTEE ON LOCAL LEGISLATION NO. 1

I HEREBY CERTIFY THAT THE NOTICE & PROOF IS ATTACHED TO THE BILL, H. 738, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

GREG PAPPAS, CLERK

By Representative Rogers (J):

H. 739. To provide for a ban on certain assault type weapons and to provide for exceptions and penalties.

COMMITTEE ON JUDICIARY

By Representatives Curry, Butler, Fuller, Buskey (JL), Kvalheim, and Gaston:

H. 740. To provide for the protection of wellhead areas from contamination by landfills until a state wellhead protection program is adopted and approved.

COMMITTEE ON COMMERCE, TRANSPORTATION AND UTILITIES

By Representatives Gaston, Harper, Zoghby, Kvalheim, Kennedy, Rockhold, Buskey (JE), and Clark (W):

H. 741. To amend Section 40-18-19 of the Code of Alabama 1975, relating to exemptions from state income taxes, so as to provide further for such exemptions commencing January 1, 1991.

COMMITTEE ON WAYS AND MEANS

By Representatives Gaston, Kvalheim, Zoghby, Box, Clark (W), Buskey (JE), McMillan, Penry, Rockhold, and Kennedy:

H. 742. To authorize the Alabama State Docks Department to use funds for a safety incentive program.

**COMMITTEE ON COMMERCE,
TRANSPORTATION AND UTILITIES**

By Representatives Rockhold and Zoghby:

H. 743. To amend Section 22-22-14, Code of Alabama 1975, which relates to the Alabama Water Pollution Control Act, so as to conform the state criminal penalties with the penalties of the Federal Clean Water Act.

**COMMITTEE ON COMMERCE,
TRANSPORTATION AND UTILITIES**

By Representatives Carothers and Mathis:

H. 744. To amend Act No. 90-528, Acts of Alabama 1990, now codified as Code of Alabama 1975, S 36-27-49.3, to provide for the purchase of credit of up to four years of active full-time military service by active and contributing members of the employees' or teachers' retirement system by an eligible member with fifteen or more years of creditable service in the retirement system who, prior to January 1, 1961, had completed and was honorably discharged or released after not less than thirty-two months of such active full-time military service, and who shall pay, prior to October 1, 1991, or prior to the member's date of retirement, whichever is earlier, a sum equal to a percentage of his or her highest annual earnable compensation during the first five years as an active and contributing member of said system.

COMMITTEE ON WAYS AND MEANS

By Representative Hooper:

H. 745. To amend Section 37-1-18, Code of Alabama 1975, so as to provide that representation of utility consumers and agencies of state government shall be the responsibility of the office of the attorney general and transfer funds to the office of the attorney general to enable such representation.

COMMITTEE ON WAYS AND MEANS

By Representatives Kennedy, Zoghby, Buskey (JE), and Clark (W) (With Notice and Proof):

H. 746. To repeal Act No. 81-446, H. 679, 1981 Regular Session, entitled, "An Act Relating to Mobile County; to provide further for the compensation of election employees and officers," to repeal Act No. 85-694, H. 954, 1985 Regular Session, and to provide further for the compensation of election employees and officers.

COMMITTEE ON LOCAL LEGISLATION NO. 3

I HEREBY CERTIFY THAT THE NOTICE & PROOF IS ATTACHED TO THE BILL, H. 746, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

GREG PAPPAS, CLERK

RESOLUTIONS

The following resolution was introduced:

By Representatives McKee, Anderson, Barnes, Beasley, Biddle, Black (L), Black (M), Blakeney, Bowling, Box, Bryant, Bugg, Burke, Buskey (JE), Buskey (JL), Butler, Cagle, Campbell, Carns, Carothers, Carter, Clark (J), Clark (W), Clay, Cosby, Crow, Cullins, Curry, Dolbare, Drake, Escott-Russell, Flowers, Ford, Freeman, Fuller, Gaines, Gaston, Goodwin, Grayson, Gullatt, Hall, Hamilton, Hammett, Haney, Harper, Harvey, Hawkins, Haynes, Higginbotham, Hill, Hogan, Holladay, Holley, Holmes, Hooper, Johnson, Kennedy, Knight, Kvalheim, Laird, Layson, Letson, Lindsey, Mathis, McClain, McDaniel, McDowell, McMillan, Melton, Mikell, Millican, Morrow, Morton, Newman, Newton (C), Newton (D), Parker (P), Parker (T), Payne, Penry, Perdue, Petelos, Poole, Powell, Rich, Richardson, Rockhold, Rogers (F), Rogers (J), Sanderford, Sanderson, Smith (C), Smith (R), Spratt, Starkey, Thomas, Turner, Turnham, Venable, Walker, Warren, White, Williams, Willis and Zoghby:

H.J.R. 199. COMMEMORATION OF THE BICENTENNIAL OF THE BILL OF RIGHTS

WHEREAS, 1991 is the Bicentennial of the ratification of the Bill of Rights to the U.S. Constitution; and

WHEREAS, the tremendous changes which have taken place around the globe in recent years have stirred the hearts and souls of men and women everywhere yearning for freedom; and

WHEREAS, the world looks to us in America to light the torch of liberty and to lead by example in the path of true representative democracy; and

WHEREAS, people in so many countries have recently thrown off the yoke of tyranny and dictatorship, and now are seeking to understand how government of, by, and for the people can indeed ensure the inalienable rights of life, liberty, and the pursuit of happiness; and

WHEREAS, we stand eternally grateful to our forefathers who fought and died that we might have these rights; that it is therefore fitting that we should regularly pause and ponder these rights and, to the extent that we are able, strive to fulfill the duties that accompany them; and

WHEREAS, we recognize that because of these first ten Amendments to the U.S. Constitution, the rights of individuals, however unpopular or in the minority, are and have been protected these 200 years; and

WHEREAS, the founders of this great nation laid down for all time in the Declaration of Independence that "all men are created equal, and endowed by their Creator with certain unalienable rights" we know that the principles outlined in the Bill of Rights do not pertain only to Americans, but should be rights inherent to all mankind; now, therefore

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That the Legislature hereby proclaims 1991 to be the Bill of Rights Bicentennial in the State of Alabama and asks all citizens to join in commemoration of the Bill of Rights, and that the superintendents of public instruction shall direct all school principals to devote at least one hour to the rededication and reinforcement of the principles embodied in the Bill of Rights in all public schools in the State of Alabama during the month of November, 1991, which shall be declared Bill of Rights month in celebration of this Bicentennial.

On motion of Representative McKee, the rules were suspended and the resolution, H.J.R. 199, was adopted.

Also:

The following resolution was introduced and distributed according to Joint Rule 11:

By Representative Holladay:

H.R. 200. COMMENDING LARRY E. RICH OF PELL CITY, ALABAMA, ON HIS OUTSTANDING CAREER IN THE FIELD OF EDUCATION.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has amended as therein shown and, as amended, has concurred in and adopted the following House Joint Resolution and returns same herewith to the House:

H.J.R. 103. DESIGNATING THE LEON MCREYNOLDS LAKE, BALDWIN COUNTY, ALABAMA.

MCDOWELL LEE
Secretary

SENATE MESSAGE

On motion of Representative McMillan, the House concurred in and adopted the Senate amendment to the resolution, H.J.R. 103, said Senate amendment being as follows:

Amend House Joint Resolution No. 103 as follows:

On Page 1, Line 16, delete the word "Blakney" and insert in lieu thereof the word "Blakeley".

And also, on Page 2, Line 7, delete the word "Blakney" and insert in lieu thereof the word "Blakeley".

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and adopted the following Senate Joint Resolution and sends same herewith to the House for its consideration:

By Senators Foshee, Amari, Bailey, Barron, Bedsole, Bennett, Bolling, Campbell, Corbett, deGraffenried, Denton, Dial, Dixon, Ellis, Figures, Floyd, Ghee, Hale, Hilliard, Horn, Langford, Lindsey, Lipscomb, Little, Mitchell, Mitchem, Owens, Parsons, Preuit, Sanders, Smith (B), Smith (J), Waggoner, Wilson, and Windom:

S.J.R. 81. RENAMING THE "STATE OFFICE BUILDING" THE "LURLEEN B. WALLACE OFFICE BUILDING."

WHEREAS, Lurleen B. Wallace served as First Lady of the State of Alabama during the period of 1963-1967 and rendered distinguished service as Governor of the State of Alabama during the period 1967-1968, succumbing in office to cancer; and

WHEREAS, Governor Lurleen B. Wallace was much beloved by the people of the State; and

WHEREAS, Governor Lurleen B. Wallace, during her tenure as First Lady and later as Governor, manifested her concern for the health and well-being of all citizens of the state; and

WHEREAS, the cause of Governor Lurleen B. Wallace's death continues today as a major public health concern in Alabama as in every other state; and

WHEREAS, the official state public health agency and the Alabama Department of Public Health will be the sole occupants of the office building now known as the "State Office Building" which is located at 501 Dexter Avenue, Montgomery, Alabama; and

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11th Day

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WHEREAS, the said "State Office Building" is to be renovated in accordance with Act No. 90-602; and

WHEREAS, there exists a need to identify the renovated "State Office Building" by a name distinguishable from other office buildings in the capitol complex; and

WHEREAS, it is appropriate and proper that because of the nature of the public health work performed in the newly renovated building, the said building should honor the memory of Governor Lurleen B. Wallace by bearing her name; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That in honor of Governor Lurleen B. Wallace, the State of Alabama hereby names and designates the "State Office Building" as the "Lurleen B. Wallace Office Building."

BE IT FURTHER RESOLVED, That a copy of this resolution be sent to former Governor George C. Wallace and Family.

MCDOWELL LEE
Secretary

SENATE MESSAGE

On motion of Representative Turner, the rules were suspended, and the House concurred in and adopted the resolution, S.J.R. 81, set out in the foregoing Message from the Senate.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and adopted the following Senate Joint Resolution and sends same herewith to the House for its consideration:

By Senator Little:

S.J.R. 84. COMMENDING DWIGHT CARLISLE OF ALEXANDER CITY FOR DISTINGUISHED SERVICE AS PRESIDENT AND CHIEF EXECUTIVE OFFICER OF THE RUSSELL CORPORATION.

MCDOWELL LEE
Secretary

SENATE MESSAGE

On motion of Representative Turnham, the rules were suspended, and the House concurred in and adopted the resolution, S.J.R. 84, the title of which is set out in the foregoing Message from the Senate.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and adopted the following Senate Joint Resolution and sends same herewith to the House for its consideration:

By Senators Mitchem and Little:

S.J.R. 82. RECOGNIZING THE ALABAMA JUNIOR COLLEGE ATHLETIC HALL OF FAME.

MCDOWELL LEE
Secretary

SENATE MESSAGE

On motion of Representative Turner, the rules were suspended, and the House concurred in and adopted the resolution, S.J.R. 82, the title of which is set out in the foregoing Message from the Senate.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and adopted the following Senate Joint Resolution and sends same herewith to the House for its consideration:

By Senators Little, Dial, Smith (J), and Corbett:

S.J.R. 79. MOURNING THE DEATH OF JUDGE JAMES A. AVARY OF LANETT, ALABAMA.

MCDOWELL LEE
Secretary

SENATE MESSAGE

On motion of Representative Laird, the rules were suspended, and the House concurred in and adopted the resolution, S.J.R. 79, the title of which is set out in the foregoing Message from the Senate.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and adopted the following Senate Joint Resolution and sends same herewith to the House for its consideration:

By Senators Corbett, Amari, Bailey, Barron, Bedsole, Bennett, Bolling, Campbell, deGraffenried, Denton, Dial, Dixon, Ellis, Figures, Floyd, Foshee, Ghee, Hale, Hilliard, Horn, Langford, Lindsey, Lipscomb, Little, Mitchell, Mitchem, Owens, Parsons, Preuitt, Sanders, Smith (B), Smith (J), Waggoner, Wilson, and Windom:

S.J.R. 80. COMMENDING SARA FRANCES GROGAN CRUMPTON UPON RETIREMENT FROM STATE SERVICE, JULY 1, 1991.

MCDOWELL LEE
Secretary

SENATE MESSAGE

On motion of Representative Turner, the rules were suspended, and the House concurred in and adopted the resolution, S.J.R. 80, the title of which is set out in the foregoing Message from the Senate.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and adopted the following Senate Joint Resolution and sends same herewith to the House for its consideration:

By Senators Mitchem, Dial, and Little:

S.J.R. 78. RECOGNIZING THE FAMILIES OF ALABAMA'S MILITARY PERSONNEL WHO SERVED IN DESERT SHIELD/DESERT STORM, AND DESIGNATING A DAY OF TRIBUTE IN THEIR HONOR.

WHEREAS, the Alabama Legislature, in recognizing the valor and sacrifice of Alabama's Desert Storm veterans, also recognizes the significant sacrifices of their families remaining at home, while their loved ones fought to regain and secure the precious gifts of freedom and hope seized by military might from the citizens and families of Kuwait; and

WHEREAS, in commendation of these families' selfless support of their loved ones in the Persian Gulf, it is the desire of the Legislature that public acknowledgment be made of their sacrifice and courage, and that such tribute be made in an appropriate manner of statewide significance; and

WHEREAS, many of Alabama's local governments, businesses, corporations and other organizations are cognizant as well of the emotional and financial deprivations suffered by these many families throughout our state, and it is anticipated that these groups also would wish to support and participate in an appropriate observance of recognition; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That in the State of Alabama, June 21, 1991, is hereby designated as a special day of honor and occasion of tribute to the families of Alabama's Desert Shield/Desert Storm service personnel who have served and are serving in the Persian Gulf.

BE IT FURTHER RESOLVED, That all county commissions and city and town councils in Alabama are prevailed upon to pass similar resolutions in support of this endeavor; that all Alabamians are urged to fly the American Flag on this special day; and that Alabama businesses, corporations and other organizations are encouraged to join in united support of said June 21, 1991, observance.

RESOLVED FURTHER, That this special day of tribute culminate with the Alabama Sports Festival IX "Take Pride in America Celebration" opening ceremonies on June 21, 1991, 7:00 p.m.-8:00 p.m., at the Birmingham-Jefferson County Civic Center.

MCDOWELL LEE
Secretary

SENATE MESSAGE

On motion of Representative Turner, the rules were suspended, and the House concurred in and adopted the resolution, S.J.R. 78, set out in the foregoing Message from the Senate.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and adopted the following Senate Joint Resolution and sends same herewith to the House for its consideration:

By Senators Bolling, Amari, Bailey, Barron, Bedsole, Bennett, Campbell, Corbett, deGraffenried, Denton, Dial, Dixon, Ellis, Figures, Floyd, Foshee, Ghee, Hale, Hilliard, Horn, Langford, Lindsey, Lipscomb, Little, Mitchell, Mitchem, Owens, Parsons, Preuitt, Sanders, Smith (B), Smith (J), Waggoner, Wilson, and Windom:

S.J.R. 71. MOURNING THE DEATH OF ROY LEE MULLINS OF RUSSELLVILLE, ALABAMA.

MCDOWELL LEE
Secretary

SENATE MESSAGE

On motion of Representative Turner, the rules were suspended, and the House concurred in and adopted the resolution, S.J.R. 71, the title of which is set out in the foregoing Message from the Senate.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and adopted the following Senate Joint Resolutions and sends same herewith to the House for its consideration:

By Senator Campbell:

S.J.R. 74. COMMENDING LAWRENCE COUNTY AS THE "COUNTY OF CHAMPIONS."

Also:

By Senator Campbell:

S.J.R. 75. COMMENDING KELLY D. CAIN OF SOMERVILLE, ALABAMA, FOR OUTSTANDING ACADEMIC ACHIEVEMENT.

Also:

By Senators Parsons and Amari:

S.J.R. 76. NAMING THE STATE PRISON AT BESSEMER, ALABAMA, THE "WILLIAM E. DONALDSON CORRECTIONAL FACILITY."

**MCDOWELL LEE
Secretary**

SENATE MESSAGE

On motion of Representative Turner, the rules were suspended, and the House concurred in and adopted the resolution, S.J.R. 74, the title of which is set out in the foregoing Message from the Senate.

Also:

On motion of Representative Turner, the rules were suspended, and the House concurred in and adopted the resolution, S.J.R. 75, the title of which is set out in the foregoing Message from the Senate.

Also:

On motion of Representative McDowell, the rules were suspended, and the House concurred in and adopted the resolution, S.J.R. 76, the title of which is set out in the foregoing Message from the Senate.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and passed the following Senate Bill and ordered same sent forthwith to the House:

By Senator Little:

S. 115. To create an Alabama Clearinghouse for State Publications within the Alabama Public Library Service and provide for its operations, duties and authority; to authorize reasonable rules and regulations; to provide for the creation of state publications depositories; and to repeal section 41-6-12, Code of Alabama 1975, which requires the printing of 250 additional copies of state publications for use by the Department of Archives and History.

MCDOWELL, LEE
Secretary

SENATE MESSAGE

The Senate Bill, the title of which is set out in the foregoing Message from the Senate, was read one time and referred to the appropriate Standing Committee as follows:

S. 115. Ways and Means.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and passed the following Senate Bills and ordered same sent forthwith to the House:

By Senator Foshee:

S. 81. To amend Sections 28-3-1 and 28-3-187.1, Code of Alabama 1975, relating to alcoholic beverages, so as to define the term "brandy" and to exempt brandy from certain labeling requirements.

Also:

By Senator Mitchell:

S. 414. To authorize state agencies an administrative option to require the timely electronic remittance of immediately available funds by any person, corporation or partnership required to satisfy an obligation due any agency of the state of Alabama amounting to one hundred thousand dollars (\$100,000) or more effective January 1, 1992, fifty thousand dollars (\$50,000) or more effective January 1, 1993 and twenty-five thousand dollars (\$25,000) or more effective January 1, 1994; establishes the date from which penalties and interest will be computed; and authorizes the promulgation of rules and regulations governing the manner in which such payments shall be made.

MCDOWELL LEE
Secretary

SENATE MESSAGE

The Senate Bills, the titles of which are set out in the foregoing Message from the Senate, were severally read one time and referred to the appropriate Standing Committees as follows:

S. 81. State Administration.

S. 414. State Administration.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and passed the following engrossed Senate Bill and sends same herewith to the House:

By Senator Hilliard:

S. 130. To amend Section 14-9-41 of the Code of Alabama 1975, which relates to computation of incentive time deductions, so as to allow an inmate who has been sentenced to a term of 15 years or less in the state penitentiary to earn correctional incentive time in accordance with the other provisions of this section.

MCDOWELL LEE
Secretary

SENATE MESSAGE

The Senate Bill, the title of which is set out in the foregoing Message from the Senate, was read one time and referred to the appropriate Standing Committee as follows:

S. 130. Judiciary.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and passed the following engrossed Senate Bill and sends same herewith to the House:

By Senator Little:

S. 164. To amend Act No. 90-624, H. 570, 1990 Regular Session, codified as Section 36-29-14, Code of Alabama 1975, which provides the procedure for officers, employees and retirees of certain cities, towns, fire districts, water and fire authority districts and the Alabama League of Municipalities to be covered under the state employees' health insurance plan, so as to include employees of regional planning and development commissions, and regional councils and area agencies on aging within the coverage.

MCDOWELL LEE
Secretary

SENATE MESSAGE

The Senate Bill, the title of which is set out in the foregoing Message from the Senate, was read one time and referred to the appropriate Standing Committee as follows:

S. 164. Ways and Means.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and passed the following Senate Bill and ordered same sent forthwith to the House:

By Senator Bolling:

S. 284. To amend Section 36-21-7, Code of Alabama 1975, which provides for reimbursement of the cost of mandated training to the governmental entity that paid for such training where one governmental entity hires law enforcement officers, fire protection personnel or firefighters employed by another governmental entity within 12 months following completion of said training, so as to increase the 12-month period to 24 months; to require reimbursement of training costs, which are mandated by law or necessary to enable an employee to become certified, to the governmental entity that paid for such training where one governmental entity hires ambulance service operators, ambulance drivers, ambu-

lance attendants, ambulance driver-attendants, emergency medical technicians, or water and wastewater operators employed by another governmental entity within 24 months following completion of said training.

MCDOWELL LEE
Secretary

SENATE MESSAGE

The Senate Bill, the title of which is set out in the foregoing Message from the Senate, was read one time and referred to the appropriate Standing Committee as follows:

S. 284. Local Government.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and passed the following Senate Bill and ordered same sent forthwith to the House:

By Senators Little, Hale, Dial, Barron, Langford, Foshee, Preuit, Mitchell, Owens, Waggoner, Bedsole, Bailey, Amari, Windom, Bennett, Parsons, Denton, Bolling, Wilson, Lindsey, Horn, Floyd, Ellis, Ghee, and Smith (J):

S. 193. To authorize football coaches of public, four-year institutions of higher learning in this state to participate in the American Football Coaches Retirement Trust 401(k) plan.

MCDOWELL LEE
Secretary

SENATE MESSAGE

The Senate Bill, the title of which is set out in the foregoing Message from the Senate, was read one time and referred to the appropriate Standing Committee as follows:

S. 193. State Administration.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and passed the following Senate Bill and ordered same sent forthwith to the House:

By Senator Ellis:

S. 1. To amend Section 9-11-51, Code of Alabama 1975, which prohibits hunting without a license, so as to provide further for the penalty imposed on nonresidents who hunt without licenses.

MCDOWELL LEE
Secretary

SENATE MESSAGE

The Senate Bill, the title of which is set out in the foregoing Message from the Senate, was read one time and referred to the appropriate Standing Committee as follows:

S. 1. Agriculture, Forestry and Natural Resources.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and passed the following Senate Bill and ordered same sent forthwith to the House:

By Senator Denton:

S. 169. To authorize county commissions to establish relief funds for the benefit of certain retired sheriffs.

MCDOWELL LEE
Secretary

SENATE MESSAGE

The Senate Bill, the title of which is set out in the foregoing Message from the Senate, was read one time and referred to the appropriate Standing Committee as follows:

S. 169. Local Government.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and passed the following Senate Bill and ordered same sent forthwith to the House:

By Senator Smith (B):

S. 333. To amend Sections 35-15-1, 35-15-2 and 35-15-3 of the Code of Alabama 1975, relating to the duty of care owed persons on premises for sporting or recreational purposes so as to provide further that sporting or recreational activities include caving (exploring caves) and rock climbing.

MCDOWELL LEE
Secretary

SENATE MESSAGE

The Senate Bill, the title of which is set out in the foregoing Message from the Senate, was read one time and referred to the appropriate Standing Committee as follows:

S. 333. Agriculture, Forestry and Natural Resources.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and passed the following Senate Bill and ordered same sent forthwith to the House:

By Senator Denton:

S. 40. To authorize municipalities and counties to provide assistance to the governing body of any other municipality or county when such municipality or county has been declared a disaster area by the Governor of the State of Alabama or by the President of the United States, and provides a procedure by which such assistance may be implemented.

MCDOWELL LEE
Secretary

SENATE MESSAGE

The Senate Bill, the title of which is set out in the foregoing Message from the Senate, was read one time and referred to the appropriate Standing Committee as follows:

S. 40. Local Government.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and passed the following engrossed Senate Bills and sends same herewith to the House:

By Senator Parsons:

S. 31. To define certain terms; to provide for the imposition of civil liability without fault upon a performer who incites a spectator to cause injury or death to another person; to provide also for the imposition of civil liability on the promoter for said injury or death; and to establish a cause of action and for the recovery of damages.

Also:

By Senators Hale and Barron:

S. 82. To amend Sections 8-20-4, 8-20-5, 8-20-7 and 8-20-9, Code of Alabama 1975, which relate to the Motor Vehicle Franchise Act, so as to provide further for unfair and deceptive trade practices, terminations and nonrenewals of franchise relationships, and the warranty obligations to dealers.

Also:

By Senator Foshee:

S. 187. To amend Sections 27-40-1, 27-40-9, 27-40-12, and 27-40-15, Code of Alabama 1975, and to repeal Section 27-40-16 of the Code of Alabama 1975, relating to insurance premium finance companies so as to provide further for the regulation of such companies; to delete certain references to and authorization for designated agents; to provide for a maximum service charge; to require premium finance agreements to contain certain information; to substantially alter the procedure for return of gross unearned premiums upon cancellation of the insurance contract; to provide for time limits for the return of unearned premiums and to provide where the amount of premium financed shall be sent.

MCDOWELL LEE
Secretary

SENATE MESSAGE

The Senate Bills, the titles of which are set out in the foregoing Message from the Senate, were severally read one time and referred to the appropriate Standing Committees as follows:

- S. 31. Insurance.
- S. 82. Commerce, Transportation and Utilities.
- S. 187. Insurance.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and passed the following engrossed Senate Bill and sends same herewith to the House:

By Senator deGraffenried:

S. 132. To provide for the development of a comprehensive emergency medical services system in the state and to adopt rules necessary to carry out the provisions of this act; to establish a unified emergency medical services system throughout Alabama to prevent needless loss of human life, disability, and suffering; to provide improved mechanisms for the development and implementation of plans addressing medical control and accountability for prehospital care, physician responsibility for the management of patient care including the issuance of physician orders from designated associate and resource hospitals for performance of advanced medical procedures by prehospital personnel, patient treatment and transportation requirements, professional and technical training, manpower, emergency medical communications, access to care and dispatching, coordinated patient record keeping, evaluation, public information, and mutual aid; to establish a state emergency medical control committee and a state advisory committee to assist with drafting of rules; to establish the position of state EMS medical director; to repeal sections 22-18-1 through 22-18-7, Code of Alabama 1975; and to provide penalties for violation of this act.

MCDOWELL LEE
Secretary

SENATE MESSAGE

The Senate Bill, the title of which is set out in the foregoing Message from the Senate, was read one time and referred to the appropriate Standing Committee as follows:

- S. 132. Health.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and passed the following engrossed Senate Bills and sends same herewith to the House:

By Senator Bennett:

S. 14. To provide for a voluntary check-off designation on state income tax returns for the 1991 tax year and each year thereafter for support of the indigent offender alcohol and drug treatment trust fund, pursuant to the Mandatory Treatment Act of 1990.

Also:

By Senator Prewitt:

S. 51. Relating to the Alabama Institute for Deaf and Blind; to provide that the sale or disposal of tangible personal property or standing timber shall be let by competitive public auction or sealed bids; to provide for notice and inspection; to provide for re-advertisement and sale or a negotiated sale in the event bids were inadequate; to provide for the disposition of the proceeds and the continuous appropriation of same; to provide for civil and criminal penalties; and to provide for retroactive effect and validation.

Also:

By Senator Bedsole:

S. 58. To create the Respiratory Care Act and to provide for definitions, qualifications, examination, and licensing of persons administering respiratory care and for waivers from examination and licensing; to provide for the powers, duties and responsibilities of the Alabama State Board of Respiratory Care; to provide for the appointment, term, qualification and meetings of the board; to create a special fund for receipts collected by the board; to provide for the administration of said fund; to make appropriations from the Alabama State Board of Respiratory Care Fund to the Alabama State Board of Respiratory Care; to provide for issuance and renewal of licenses and temporary licenses; to provide for prohibited acts and penalties; to provide for fees; to provide for causes and procedures for disciplinary action; to prohibit false representation of licensure; to provide criminal penalties for certain violations; to provide for exemptions; and to provide for related matters.

Also:

By Senators Bailey, Parsons, and Hale:

S. 96. To amend Sections 7-1-201, 8-25-1 and 8-25-3, Code of Alabama 1975, relating to rental-purchase agreements and the Alabama Uniform Commercial Code, so as to exclude such agreements from coverage of the Alabama Uniform Commercial Code provisions relating to security interests and to authorize certain practices by rental-purchase merchants.

Also:

By Senator Dial:

S. 97. To authorize the state department of human resources by and through its commissioner, to enter into interstate adoption assistance compacts to provide for medical and other necessary services for special needs children; to provide procedures for interstate adoption assistance payments, including medical payments; and to provide a penalty for the false or fraudulent submission of any claim for payment or reimbursement for services.

Also:

By Senators Mitchem and Barron:

S. 111. To provide for licensure and regulation of the home building industry; to provide for examination and issuance of licenses; to provide for the Home Builders Licensure Board; to provide for licensing fees and penalties for violations; to authorize said board to prescribe administrative rules and regulations; to provide for revocation of licenses; to prescribe appellate procedure for board decisions and to exempt certain persons and entities from this act.

Also:

By Senator Waggoner:

S. 309. To create the "Alabama Clean Indoor Air Act," to protect the public health, comfort and environment and promote the above by reducing involuntary exposure to tobacco smoke in public places.

MCDOWELL LEE
Secretary

SENATE MESSAGE

The Senate Bills, the titles of which are set out in the foregoing Message from the Senate, were severally read one time and referred to the appropriate Standing Committees as follows:

- | | |
|---------|---|
| S. 14. | State Administration. |
| S. 51. | State Administration. |
| S. 58. | Health. |
| S. 96. | Judiciary. |
| S. 97. | Judiciary. |
| S. 111. | Commerce, Transportation and Utilities. |
| S. 309. | Health. |

RESOLUTIONS

The following resolutions were introduced:

By Representative Laird:

H.J.R. 201. MEMORIALIZING THE CONGRESS TO SUPPORT THE RENEWAL AND CONTINUATION OF THE BERRY-HEFNER AMENDMENT.

WHEREAS, for over forty years the Berry-Hefner Amendment has required the United States Department of Defense to buy U. S.-made textiles, apparels and textile products; and

WHEREAS, the Berry-Hefner Amendment has been annually reviewed by the United States Congress and found to be in America's strategic interests; and

WHEREAS, the recent success of Operation Desert Storm has demonstrated the clear need for a strong American defense industrial base in textiles; and

WHEREAS, the Alabama Legislature is greatly concerned over the Administration's failure to include the Berry-Hefner Amendment in its proposed fiscal year 1992 budget; and

WHEREAS, if the Berry-Hefner Amendment is not renewed, many American textile and apparel companies would suffer, there would be increased unemployment in the domestic textile and apparel industries, and America's defense industrial base would be seriously damaged; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we herein express this body's belief that a strong defense industrial base in textiles is vital to our Armed Forces, as shown by the success of Operation Desert Storm.

BE IT FURTHER RESOLVED, That the Alabama Legislature expresses its support for maintaining the existing law requiring the Defense Department to purchase U. S.-made textiles, apparels, and textile products, without any changes.

RESOLVED FURTHER, That the Alabama Legislature urges Congress to continue to oppose any and all efforts to modify or repeal the Berry-Hefner Amendment and to include a strong Berry-Hefner Amendment in the fiscal year 1992 Defense Appropriation Act.

FURTHER RESOLVED, That a copy of this resolution be forwarded to each member of the Alabama Congressional Delegation.

On motion of Representative Laird, the rules were suspended and the resolution, H.J.R. 201, was adopted.

Also:

By Representative Laird:

H.J.R. 202. MEMORIALIZING THE CONGRESS TO WORK WITH THE ADMINISTRATION AND BUSINESS COMMUNITY TO ACHIEVE A FAIR AND REASONABLE URUGUAY ROUND TRADE AGREEMENT.

WHEREAS, the General Agreement on Tariffs and Trade (GATT) Uruguay Round would eliminate the Multi-Fiber Arrangement (MFA) over the next ten years; and

WHEREAS, the Uruguay Round's textile proposal would result in the elimination of an estimated 1.4 million American textile and apparel jobs, including the loss of nearly 74,000 such jobs in Alabama; and

WHEREAS, any GATT trade agreement negotiated by appointed officials within the executive branch should be fully debated in Congress by the elected representatives of the American people; and

WHEREAS, the fast-track procedures deny Congress the opportunity to have its proper input into international trade agreements, as provided by Article I, Section 8 of the Constitution which states, "The Congress shall have the power to regulate commerce with foreign nations"; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we hereby request that the Members of Congress from Alabama do fully exercise their constitutional responsibility to examine all elements of a Uruguay Round GATT agreement and to amend it where necessary to protect the jobs of the approximately 100,000 Alabamians employed in the textile, apparel, fiber and related industries.

BE IT FURTHER RESOLVED, That in order to accomplish this objective, the Alabama Legislature urges the members of the United States Senate and the United States House of Representatives to vote against the extension of fast-track authority beyond its scheduled June 1, 1991, expiration date.

RESOLVED FURTHER, That the Alabama Legislature calls on Congress, the Administration and the business community to work together to achieve a fair and reasonable Uruguay Round trade agreement.

FURTHER RESOLVED, That a copy of this resolution be forwarded to each member of the Alabama Congressional Delegation.

On motion of Representative Laird, the rules were suspended and the resolution, H.J.R. 202, was adopted.

Also:

By Rules Committee:

H.R. 203. BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES;
That immediately upon the adoption of this resolution, the following business, in the order set forth below, shall be the special and paramount order of business for the 11th legislative day, Tuesday, May 21, 1991, taking precedence over the regular order of business, or any pending or unfinished business:

Uncontested local bills

Unfinished business

And the following bills:

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<u>H. 438</u> - By Fuller	24
Education, declared to be essential function of gov't., consti. amend.	
<u>H. 627</u> - By Zoghby	114
Rapid Rail Transit Commission, estab.	
<u>H. 279</u> - By Harper (As Amended)	12
Oil spills, civil immunity for certain person	
<u>H. 370</u> - By Kennedy	9
Income tax, confidentiality of returns reg., penalties for violation, Secs. 40-18-52, 40-1-33 am'd.	
<u>H. 371</u> - By Kennedy	10
Use tax, out of st. businesses with Ala. nexus req. to collect, Sec. 40-23-68 am'd.	
<u>H. 405</u> - By Harper	37
State funded continuing ed. for cert. teachers, Sec. 16-23-17 repealed	
<u>H. 152</u> - By White	5
Municipal business licenses, fees incr., penalties incr., Secs. 11-51-90, 11-51-93 am'd.	

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H. 99 - By Campbell

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Public bodies, auth. to have powers and authority of health care authorities, Sec. 22-21-5 am'd.

H. 295 - By Beasley

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Forestry Comm.'s law enforcement officers, auth. to keep gun and badge upon retirement, Sec. 36-21-8 am'd.

H. 523 - By Johnson

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Solid waste landfill located within a mile of a geologic area with multiple sink holes or an aquifer or water supply used for drinking water, deemed a nuisance, remedies

H. 604 - By Hooper (As Substituted)

112

International Airport Authority estab., powers defined

H. 365 - By Penry

27

Commercial party boats, licensing provided

H. 181 - By Turnham

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State documents, clearinghouse estab. within Alabama Public Library Service, Sec. 41-6-12 repealed

H. 55 - By Holley

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Alabama Rescue Services Association, Inc., st., co. and mun. sales and use tax exempt, rescue service organizations in st. exempt from federal income tax

H. 504 - By Beasley

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Unlawful trade practices to incl. cert. promotional giveaways, credit repair services and health spas, Secs. 8-19-3, 8-19-5, 8-19-6, 8-19-8 am'd.

H. 324 - By Haynes (As Substituted)

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Employees and Teachers Retirement Systems, accumulation and use of sick leave in determining years of creditable service, Sec. 36-26-36.1 am'd.

H. 112 - By Freeman (As Amended)

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School guards, failure to obey, penalties incr., Sec. 32-5A-4 am'd.

<u>H. 287</u> - By Newton (C)	19
Nursing students, loan program estab. by st. bd. of health for work in rural cos.	
<u>H. 506</u> - By Haynes (As Amended and Substituted)	115
Low income housing, homeless shelters, muns. auth. to provide, bonds auth.	
<u>H. 319</u> - By Box (As Amended)	16
Civil procedures for appt. of a private nonprofit corp. by court to serve as guardian or conservators of developmentally disabled; Mental Health Dept. to est. guidelines	
<u>H. 77</u> - By Newman	25
Farmer's Market Authority, administrator auth. to employ secretary within or without merit system, Sec. 2-5-4 am'd.	
<u>H. 363</u> - By McDowell	69
Tenth Judicial Circuit, new circuit judgeship created, Bessemer Cut-off Div., Compensation, powers provided for; election procedure set	
<u>H. 305</u> - By Smith (C)	39
Judicial circuits, new judgeship in nineteenth judicial circuit, qualification est.	
<u>H. 353</u> - By Rogers (F)	72
Judicial retirement system, cert. dist. judges, retirement benefits incr.	
On motion of Representative Carter, the resolution, H.R. 203, was adopted.	

REPORT OF THE STANDING COMMITTEE ON RULES ON ENROLLED AND ENGROSSED BILLS

Mr. Speaker:

Your Standing Committee on Rules begs leave to report that it has examined the following House Joint Resolution, to-wit:

H.J.R. 103. DESIGNATING THE LEON MCREYNOLDS LAKE, BALDWIN COUNTY, ALABAMA.

And finds same correctly enrolled.

TOMMY CARTER
Chairman

SIGNING OF HOUSE JOINT RESOLUTION

The Speaker of the House, in the presence of the House, immediately after the title had been publicly read by the Clerk, the reading at length having been dispensed with by a two-thirds vote of a quorum present, signed the House Joint Resolution, the title of which is set out in the foregoing Report of the Standing Committee on Rules.

SPECIAL ORDER CALENDAR

The House then proceeded with the consideration of the Special Order Calendar.

BUDGET ISOLATION RESOLUTION CARRIED OVER

On motion of Representative Curry, the Budget Isolation Resolution and the bill, H. 43, were temporarily carried over.

BUDGET ISOLATION RESOLUTION CARRIED OVER

On motion of Representative Curry, the Budget Isolation Resolution and the bill, H. 44, were temporarily carried over.

BUDGET ISOLATION RESOLUTION

On motion of Representative McMillan, the Budget Isolation Resolution relating to the bill, H. 473, was adopted.

Yeas 46; Nays 0.

Yea:

Mr. Speaker, Beasley, Bowling, Box, Buskey (JE), Buskey (JL), Carns, Carothers, Carter, Clay, Cullins, Drake, Ford, Gaines, Gaston, Gullatt, Hammett, Haney, Hawkins, Haynes, Hill, Hogan, Holladay, Holley, Johnson, Knight, Kvalheim, Mathis, McDaniel, McMillan, Morton, Newton (C), Parker (P), Penry, Powell, Rockhold, Rogers (F), Sanderford, Sanderson, Smith (C), Turner, Turnham, Venable, Warren, White and Zoghby.

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PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned, and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

And the bill:

H. 473. Relating to Baldwin County; to impose excise taxes on persons, corporations, copartnerships, companies, agencies and associations engaged in the business of selling, distributing, storing or withdrawing from storage, for any purpose whatever, gasoline and motor fuel and substitutes therefor in said county; to provide for the collection and payment of such taxes and to provide for the distribution and the use of the funds derived therefrom; to authorize the Baldwin County Commission to make reasonable rules and regulations for the collection of such taxes; to provide for the enforcement of this act and to fix the penalty for the violation of any provision of this act and of the rules and regulations prescribed by the Baldwin County Commission for the collection of said taxes; and to authorize the county commission to levy two separate one-cent motor fuel taxes in the future.

was taken up.

SUBSTITUTE OFFERED

Representative McMillan offered the following substitute to the bill, H. 473:

**A BILL
TO BE ENTITLED
AN ACT**

Relating to Baldwin County; to impose excise taxes on persons, corporations, copartnerships, companies, agencies and associations engaged in the business of selling, distributing, storing or withdrawing from storage, for any purpose whatever, gasoline and motor fuel and substitutes therefor in said county; to provide for the collection and payment of such taxes and to provide for the distribution and the use of the funds derived therefrom; to authorize the Baldwin County Commission to make reasonable rules and regulations for the collection of such taxes; to provide for the enforcement of this act and to fix the penalty for the violation of any provision of this act and of the rules and regulations prescribed by the Baldwin County Commission for the collection of said taxes; and to authorize the county commission to levy two separate one-cent motor fuel taxes in the future.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

Section 1. For the purposes of this act, the following terms shall have the respective meaning ascribed by this section:

(1) **COUNTY.** Baldwin County which has levied excise taxes pursuant to the provisions of this act.

(2) **GASOLINE.** Gasoline, naphtha and other liquid motor fuels or any device or substitute therefor commonly used in internal combustion engines; provided,

that such term shall not be held to apply to those products known commercially as "kerosene oil," "fuel oil," or "crude oil" when used for lighting, heating or industrial purposes.

(3) **MOTOR FUEL.** Diesel oil, tractor fuel, gas oil, distillate or liquefied gas, kerosene, jet fuel or any substitutes or devices therefor when sold, distributed, stored or withdrawn from storage in any county for use in the operation of any motor vehicle upon the highways of this state.

(4) **PERSON.** Persons, corporations, copartnerships, companies, agencies, associations, incorporated or otherwise, singular or plural.

(5) **DISTRIBUTOR.** Any person who engages in the selling of gasoline or motor fuel in this state by wholesale domestic trade, but shall not apply to any transaction of such distributor in interstate commerce.

(6) **REFINER.** Any person who manufactures, distills, blends, compounds or mixes any one or more products in the production of gasoline or motor fuel as herein defined.

(7) **RETAIL DEALER.** Any person herein defined as a distributor who is also engaged in the selling of gasoline or motor fuel in this state at any place in this state in broken quantities.

(8) **STORER.** Any person who ships or causes to be shipped or receives gasoline or motor fuel into this state in any quantities and stores the same in any manner and withdraws or uses the same for any purpose.

(9) **USER.** Any person who uses or consumes gasoline or motor fuel in this state in any manner or for any purpose; provided, that the term "user" is not to include any refiner who has a refinery or refineries located within the state of Alabama when using gasoline or motor fuel in the manufacturing or refining process, or any person who holds a federal permit to blend motor fuels under the federal law and statutes and who pays the federal excise tax on such motor fuels directly to the federal government, when such person uses gasoline in this state in such blending process.

Section 2. Subject to the provisions of Section 14, there is hereby imposed excise taxes in an amount not to exceed three cents (\$.03) per gallon on persons selling, distributing, storing or withdrawing from storage for any purpose whatever, gasoline and motor fuel within such counties and to require every distributor, retail dealer or storer of gasoline or motor fuel as herein defined to pay such excise taxes upon the selling, distributing or withdrawing from storage for any use, gasoline and motor fuel as herein defined in such counties; provided that excise taxes levied pursuant to the provisions of this act shall not be levied upon the sale of gasoline or motor fuel in interstate commerce, and provided further that if the excise tax imposed under this act upon the sale of such gasoline or motor fuel shall have been paid by a distributor or by retail dealer or storer, such payment shall be sufficient, the intention being that the taxes shall not be paid but once. Pursuant to the rulemaking authority of Section 7 of this act, the term "interstate commerce" shall have the meaning prescribed by the county

commission and/or the State Department of Revenue. The excise taxes imposed pursuant to the provisions of this act shall apply to persons, firms, corporations, dealers or distributors storing gasoline or motor fuel and distributing the same or allowing the same to be withdrawn from storage, whether such withdrawal be for sale or other use, provided that sellers of gasoline or motor fuel and its substitutes paying the taxes herein provided may pay the same computed and paid on the basis of their sales as hereinafter required, and storers and distributors shall compute and pay such taxes on the basis of their withdrawals or distributions. The taxes herein provided for shall be in addition to any and all excise or other taxes imposed on gasoline or motor fuel or any device or substitute therefor, or on the business of selling, distributing, storing or withdrawing from storage for any purpose, gasoline or motor fuel as herein defined; however, there shall not be levied any tax upon any gasoline or motor fuel as herein defined when used in essential governmental functions by the state of Alabama or any agency thereof, or county governing agencies, municipalities, any other entity as determined by the county governing body, to be exempted under existing state statutes and boards of education. Provided, further, any user exempt from the state gasoline or motor fuel tax is hereby exempt from the tax levied pursuant to this act.

Section 3. On or before the 20th day of each month after this act has become effective, every person upon whom the excise tax is levied shall render to the county commission of Baldwin County on forms prescribed by such county commission a true and correct statement of all sales and withdrawals of gasoline made by him or them during the next preceding month, liable for payment of the excise tax imposed pursuant to the provisions of this act, and shall furnish to the Baldwin County Commission such additional information as the Baldwin County Commission may require upon blanks to be formulated and furnished by the Baldwin County Commission, and at the time of making such report shall pay to the Baldwin County Commission an amount of money equal to the excise tax levied under this act. The statement herein required to be made by the distributor, storer or retail dealer shall be sworn to before some officer authorized to administer oaths, and any false statement sworn to shall constitute perjury and upon conviction thereupon the person so convicted shall be punished as provided by law for the crime of perjury.

Section 4. All distributors, storers and retail dealers shall keep for not less than three years within the state of Alabama at some certain place or office such books, documents or papers as will clearly show the amount of sale or withdrawals of gasoline and motor fuel made in Baldwin County taxed under this act.

Section 5. Within thirty days after any tax shall have been levied under authority of this act, every distributor, storer or retail dealer engaged in the sale or withdrawal of gasoline or motor fuel in Baldwin County shall make a report on blanks furnished under Section 3 hereof to the Baldwin County Commission, showing the place and post office address at which he is engaged in the business of distributor or storer or retail dealer in gasoline or motor fuel within Baldwin County, which information shall be entered by the Baldwin County Commission on a book kept for that purpose, and should such distributor, storer or retail dealer move his place of business from one business address to another such distributor, storer or retail dealer shall within thirty days thereafter notify the Baldwin

County Commission of such removal giving the former place and post office address and also the place and post office address to which his place of business has been removed. After the tax imposed under this act has become effective, no person shall become a distributor, storer or seller of gasoline or motor fuel in Baldwin County until he shall have made such reports to the Baldwin County Commission.

Section 6. If any distributor, storer or retail dealer of gasoline or motor fuel in Baldwin County shall fail to make the reports or any of them as required in any provision of this act or shall fail to comply with any regulation adopted for the collection of said tax by the Baldwin County Commission, within the time required for making such reports, or shall fail to pay the tax imposed within the time fixed for the payment thereof, said distributor, storer or retail dealer shall be guilty of a Class C misdemeanor, and upon conviction thereof shall be punished for each offense as otherwise provided by law.

Section 7. It shall be the duty of the county commission of Baldwin County to enforce the provisions of this act upon its imposing the tax thereunder, and it shall have the right itself, or its members or its agents, to examine the books, reports and accounts of every distributor, storer or retail dealer of gasoline or motor fuel on which such tax has been imposed and to make any and all rules and regulations necessary and proper for the collection of such tax. Provided, however, upon resolution of the Baldwin County Commission, the State Department of Revenue is hereby authorized and directed to collect all taxes now or hereafter levied by said county under the provisions of this act. All persons, firms, businesses and corporations subject to and owing such taxes shall be and hereby are directed to pay the same over to the department and such payment shall be a full and complete discharge of all liability therefor to said county. The department is authorized to promulgate reasonable rules and regulations to facilitate the orderly and efficient collection of said taxes. The department is authorized to recover all costs of collecting such taxes, not to exceed 5% of the proceeds thereof, from such proceeds and shall pay the net amount remaining thereafter to said county.

Section 8. If any distributor, storer or retail dealer in gasoline or motor fuel shall fail to make monthly reports or shall fail to pay the tax imposed under authority of this act, the tax shall be deemed delinquent within the meaning of this act and there shall be added to the amount of his tax a penalty of 25%, provided, if in the opinion of the county commission of Baldwin County a good and sufficient cause or reason is shown for such delinquency, the penalty may be rescinded. The Baldwin County Commission shall be authorized and empowered to make returns for delinquent taxpayers upon such information as it may reasonably obtain and add to that the penalty as prescribed by this act. If any person shall be delinquent in the payment of any tax imposed pursuant to the provisions of this act, the county commission of Baldwin County shall issue execution for the collection of the same, directed to the Baldwin County sheriff, who shall proceed to collect the same in the manner now provided by law for the collection of delinquent taxes by the county tax collector and make return of such execution to the Baldwin County Commission. The tax herein authorized to be levied and the penalties herein provided for shall be held as a debt payable to Baldwin County by the person against whom the same shall have been imposed or against whom the penalties

shall have accrued, and all such taxes and penalties shall be a lien upon the property in Baldwin County and elsewhere in this state of the person against whom said tax shall have been imposed and the penalties shall have accrued.

Section 9. The acceptance of any amount paid for the excise tax imposed under this act shall not preclude the collection of the amount actually due. However, the amount actually paid shall constitute a credit against the amount actually due.

Section 10. Any distributor, storer or dealer who shall violate any provisions of this act or shall fail to comply with any reasonable rule or regulation promulgated hereunder, may be restrained, and proper prosecution instituted in the name of Baldwin County by the attorney general of the state of Alabama, or by such counsel as the county commission of Baldwin County shall direct, from distributing, selling, storing or withdrawing from storage any gasoline or motor fuel the sale or withdrawal of which is taxable until such persons shall have complied with the provisions of this act.

Section 11. Each agent of any railroad company, bus or truck operator or other transportation company or agency operating in Baldwin County shall report to the county commission of Baldwin County on the first day of January, April, July and October of each year all shipments of gasoline or motor fuel as defined in this act or substitutes therefor handled by him or through the station or office at which he is the agent, and delivered to any person in Baldwin County during the preceding three months, giving the names and address of the consignor or consignee shipping and receiving said gasoline or motor fuel or substitute therefor and the number of gallons or pounds contained in each and every shipment.

Section 12. The proceeds of any tax imposed under authority of this act shall be paid into a special fund in the county treasury for use as provided in Section 13.

Section 13. Expenditures from the special fund provided for in Section 12 shall be made exclusively for the purpose of construction, improvement and maintenance of public highways and bridges including administrative expenses in connection therewith, the retirement of securities evidencing obligations incurred for payment of costs of such construction, improvement and maintenance, the matching of federal or state funds in the construction of improved roads and bridges in Baldwin County in the same manner as other county funds are used to match federal and state funds and for payment of the costs incurred in the administration and enforcement of this act.

Section 14. The county commission is hereby authorized to suspend the levy of the tax imposed pursuant to this act in the event annual increases in the ad valorem tax revenue and/or the offshore severance tax revenue received by the county in the period from 10/1/91 to 1/1/95 exceeds the amount of revenue collected pursuant to this act. In the event the levy of said tax is suspended, all expenses of taxpayer notification, unconsumed forms, and other actual and direct expenses of the Department of Revenue shall be paid by the county commission.

Section 15. After January 1, 1995, the county commission is authorized to

levy two separate and distinct taxes each in the amount of one cent (\$.01) per gallon on persons, corporations, copartnerships, companies, agencies and associations engaged in the business of selling, distributing, storing or withdrawing from storage, for any purpose whatever, gasoline and motor fuel and substitutes therefor in the county. Said tax shall parallel the state excise tax on gasoline and motor fuel and shall be collected in the same manner.

Section 16. The provisions of this act are severable. If any part of this act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 17. All laws or parts of laws which conflict with this act are hereby repealed.

Section 18. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

SUBSTITUTE ADOPTED

And the substitute was adopted.

Yeas 37; Nays 0.

Yea:

Mr. Speaker, Anderson, Beasley, Box, Bugg, Carns, Carothers, Carter, Cullins, Drake, Ford, Gaines, Goodwin, Hamilton, Hammett, Haney, Hawkins, Hill, Holladay, Knight, Layson, Mathis, McMillan, Mikell, Morton, Newman, Newton (C), Parker (P), Parker (T), Penry, Powell, Rogers (F), Sanderson, Smith (C), Turnham, Venable and Zoghby.

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PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned, and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

And the bill, H. 473, as amended, was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 49; Nays 0.

Yea:

Mr. Speaker, Anderson, Beasley, Biddle, Black (M), Bowling, Box, Bryant, Bugg, Carns, Carothers, Carter, Clay, Cullins, Drake, Gaines, Goodwin, Hamilton, Hammett, Haney, Hawkins, Haynes, Hill, Holladay, Holley, Johnson,

Knight, Layson, Letson, Mathis, McDaniel, McMillan, Mikell, Millican, Morton, Newman, Newton (C), Parker (P), Parker (T), Payne, Penry, Powell, Sanderford, Sanderson, Smith (C), Turner, Turnham, Venable and Zoghby.

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PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned, and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

BUDGET ISOLATION RESOLUTION

On motion of Representative Laird, the Budget Isolation Resolution relating to the bill, H. 577, was adopted.

Yeas 58; Nays 0.

Yea:

Mr. Speaker, Anderson, Beasley, Biddle, Bowling, Box, Bryant, Bugg, Burke, Butler, Cagle, Carns, Carothers, Carter, Cullins, Dolbare, Ford, Gaines, Gaston, Goodwin, Gullatt, Hall, Hamilton, Hammett, Haney, Hawkins, Higginbotham, Hill, Hogan, Holladay, Holley, Hooper, Johnson, Knight, Kvalheim, Laird, Layson, Letson, Mathis, McDaniel, McKee, Mikell, Millican, Morton, Newman, Newton (C), Parker (P), Parker (T), Payne, Powell, Rogers (F), Sanderford, Sanderson, Smith (C), Smith (R), Thomas, Turnham and Venable.

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And the bill:

H. 577. To alter, rearrange and extend the boundary lines and corporate limits of the Town of Wedowee in Randolph County, so as to include the industrial park.

was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 58; Nays 0.

Yea:

Mr. Speaker, Anderson, Beasley, Biddle, Box, Bryant, Burke, Butler, Cagle, Carns, Carothers, Carter, Clay, Crow, Cullins, Dolbare, Gaines, Gaston, Gullatt, Hamilton, Hammett, Haney, Hawkins, Higginbotham, Hill, Hogan, Holley,

Hooper, Johnson, Knight, Kvalheim, Laird, Layson, Mathis, McDaniel, McKee, Mikell, Millican, Morton, Newman, Newton (C), Parker (P), Parker (T), Payne, Penry, Powell, Rockhold, Rogers (F), Sanderford, Sanderson, Smith (C), Smith (R), Thomas, Turner, Turnham, Venable, Willis and Zoghby.

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BUDGET ISOLATION RESOLUTION

On motion of Representative Parker (P), the Budget Isolation Resolution relating to the bill, H. 578, was adopted.

Yeas 54; Nays 0.

Yea:

Mr. Speaker, Anderson, Beasley, Biddle, Bowling, Box, Bryant, Bugg, Burke, Buskey (JL), Butler, Cagle, Carns, Carothers, Carter, Clay, Cullins, Dolbare, Ford, Gaines, Gaston, Goodwin, Gullatt, Hall, Hamilton, Hammett, Haney, Hawkins, Higginbotham, Hill, Hogan, Holladay, Holley, Johnson, Knight, Kvalheim, Layson, Letson, Mathis, McClain, Mikell, Millican, Morton, Newman, Newton (C), Parker (P), Payne, Penry, Rogers (F), Sanderson, Smith (C), Smith (R), Venable and Zoghby.

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And the bill:

H. 578. Providing further for the compensation and expense allowances or other benefits of the superintendent of education of Morgan County upon the expiration of the current term of office; repealing conflicting laws or parts of laws; and specifically repealing Act. No. 87-257, H. 183, 1987 Regular Session (Acts 1987, p. 360).

was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 54; Nays 0.

Yea:

Mr. Speaker, Anderson, Beasley, Biddle, Bowling, Box, Bryant, Bugg, Burke, Buskey (JL), Butler, Cagle, Carns, Carothers, Clay, Crow, Cullins, Dolbare, Drake, Gaines, Gaston, Hall, Hamilton, Hammett, Haney, Hawkins, Haynes, Higginbotham, Hill, Hogan, Holladay, Holley, Johnson, Knight, Kvalheim, Layson, Letson, Mathis, McClain, Mikell, Millican, Morton, Newman, Newton (C), Parker (P), Parker (T), Payne, Powell, Sanderson, Smith (C), Smith (R), Venable, Willis and Zoghby.

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BUDGET ISOLATION RESOLUTION

On motion of Representative Blakeney, the Budget Isolation Resolution relating to the bill, H. 589, was adopted.

Yeas 61; Nays 0.

Yea:

Mr. Speaker, Anderson, Beasley, Biddle, Bowling, Box, Bryant, Bugg, Burke, Buskey (JL), Butler, Cagle, Carns, Carothers, Carter, Clay, Crow, Cullins, Dolbare, Ford, Gaines, Gaston, Goodwin, Grayson, Hall, Hamilton, Hammett, Haney, Hawkins, Haynes, Higginbotham, Hill, Hogan, Holladay, Holley, Johnson, Knight, Kvalheim, Layson, Letson, Mathis, McClain, McDaniel, Mikell, Millican, Morton, Newman, Newton (C), Parker (P), Parker (T), Payne, Powell, Rogers (F), Sanderford, Sanderson, Smith (C), Smith (R), Venable, Williams, Willis and Zoghby.

-61

And the bill:

H. 589. Relating to Clarke County; providing further for an expense allowance for members of the county commission.

was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 56; Nays 0.

Yea:

Mr. Speaker, Anderson, Beasley, Biddle, Blakeney, Bowling, Box, Bryant, Buskey (JE), Buskey (JL), Butler, Cagle, Carns, Carothers, Carter, Clay, Cullins, Dolbare, Ford, Gaines, Gaston, Goodwin, Hamilton, Hammett, Haney, Haynes, Higginbotham, Hill, Hogan, Holley, Johnson, Kennedy, Knight, Kvalheim, Layson, Letson, Mathis, McClain, Mikell, Morton, Newman, Newton (C), Parker (P), Parker (T), Payne, Powell, Rockhold, Rogers (F), Sanderford, Sanderson, Smith (C), Smith (R), Thomas, Venable, Williams and Zoghby.

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BUDGET ISOLATION RESOLUTION

On motion of Representative Turner, the Budget Isolation Resolution relating to the bill, H. 612, was adopted.

Yeas 55; Nays 0.

Yea:

Mr. Speaker, Anderson, Beasley, Bowling, Box, Bryant, Bugg, Butler, Cagle, Carns, Carothers, Carter, Clay, Crow, Cullins, Ford, Gaines, Gaston, Grayson, Hammett, Haney, Hawkins, Haynes, Higginbotham, Hill, Hogan, Holladay, Holley, Johnson, Knight, Kvalheim, Layson, Letson, Mathis, McDaniel, McMillan, Mikell, Millican, Morton, Newman, Newton (C), Parker (P), Parker (T), Penry, Powell, Rockhold, Rogers (F), Sanderford, Smith (C), Smith (R), Thomas, Venable, Williams, Willis and Zoghby.

-55

And the bill:

H. 612. Relating to Mobile County, authorizing residents to construct and maintain a permanent mailbox on the right-of-way of a county highway and authorizing residents to use all lawful means to protect said mailbox from vandalism.

was taken up.

AMENDMENT OFFERED

Representative Turner offered the following amendment to the bill, H. 612:

Amend H. 612 on page 1, in the title, beginning on line 14, after the word "use" by striking ~~all lawful means~~ and inserting in lieu thereof the following: a protective covering

Further amend H. 612, Section 1, page 1, line 22, by striking ~~all lawful means~~ and inserting in lieu thereof the following: a protective covering

AMENDMENT ADOPTED

And the amendment was adopted.

Yeas 61; Nays 0.

Yea:

Mr. Speaker, Anderson, Beasley, Biddle, Bowling, Box, Bryant, Bugg, Buskey (JE), Butler, Cagle, Carns, Carothers, Carter, Clark (W), Crow, Cullins, Ford, Gaines, Gaston, Gullatt, Hamilton, Hammett, Haney, Hawkins, Haynes, Higginbotham, Hill, Hogan, Holladay, Holley, Johnson, Kennedy, Knight, Kvalheim, Layson, Letson, Mathis, McDaniel, McKee, McMillan, Millican, Morton, Newman, Newton (C), Parker (P), Parker (T), Payne, Powell, Rockhold, Rogers (F), Sanderford, Sanderson, Smith (C), Smith (R), Thomas, Turner, Venable, Williams, Willis and Zoghby.

-61

And the bill:

H. 612. Relating to Mobile County, authorizing residents to construct and maintain a permanent mailbox on the right-of-way of a county highway and authorizing residents to use a protective covering to protect said mailbox from vandalism.

as amended, was read a third time at length and passed, and ordered engrossed.

Yeas 52; Nays 0.

Yea:

Mr. Speaker, Anderson, Beasley, Biddle, Bowling, Box, Bryant, Buskey (JE), Butler, Cagle, Carter, Clark (W), Clay, Crow, Cullins, Ford, Gaines, Gaston, Grayson, Hamilton, Hammett, Haney, Haynes, Higginbotham, Hill, Hogan, Holladay, Holley, Kennedy, Knight, Kvalheim, Layson, Letson, McDaniel, McKee, Millican, Morton, Newman, Newton (C), Parker (P), Parker (T), Payne, Rogers (F), Sanderford, Smith (C), Smith (R), Thomas, Turner, Venable, Williams, Willis and Zoghby.

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PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned, and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

BUDGET ISOLATION RESOLUTION

On motion of Representative Kvalheim, the Budget Isolation Resolution relating to the bill, H. 687, was adopted.

Yeas 65; Nays 0.

Yea:

Mr. Speaker, Anderson, Beasley, Biddle, Bowling, Box, Bryant, Bugg, Buskey (JE), Buskey (JL), Butler, Cagle, Carns, Carothers, Carter, Clark (W), Clay, Crow, Cullins, Dolbare, Drake, Ford, Gaines, Gaston, Grayson, Gullatt, Hamilton, Haney, Harper, Hawkins, Haynes, Higginbotham, Hill, Hogan, Holley, Johnson, Kennedy, Knight, Kvalheim, Laird, Layson, Letson, Mathis, McDaniel, McKee, Mikell, Millican, Morrow, Morton, Newton (C), Parker (P), Parker (T), Payne, Penry, Powell, Rockhold, Rogers (F), Sanderson, Smith (C), Smith (R), Thomas, Turner, Warren, Willis and Zoghby.

-65

And the bill:

H. 687. To propose an amendment to the Constitution of 1901, to authorize certain investments of the assets of Class 2 municipality police and fire fighter pension plans.

was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 75; Nays 0.

Yea:

Mr. Speaker, Anderson, Beasley, Biddle, Black (M), Bowling, Box, Bryant, Bugg, Buskey (JE), Buskey (JL.), Butler, Cagle, Campbell, Carns, Carothers, Carter, Clark (W), Clay, Crow, Cullins, Dolbare, Ford, Gaines, Gaston, Goodwin, Grayson, Gullatt, Hamilton, Hammett, Haney, Harper, Hawkins, Haynes, Higginbotham, Hill, Hogan, Holladay, Holley, Johnson, Kennedy, Knight, Kvalheim, Laird, Layson, Letson, Lindsey, Mathis, McClain, McDaniel, McKee, Mikell, Millican, Morrow, Morton, Newton (C), Parker (P), Parker (T), Payne, Penry, Powell, Rockhold, Rogers (F), Sanderford, Sanderson, Smith (C), Smith (R), Thomas, Turner, Turnham, Venable, Warren, Williams, Willis and Zoghby.

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UNFINISHED BUSINESS

The House then proceeded with the consideration of the Unfinished Business on the Special Order Calendar.

And the bill:

H. 411. To provide for a means to safeguard the public against injury and loss of life or the interruption of public services caused by damage to various underground facilities by communicating and coordinating adequate prior notification of excavation or demolition activities that might damage or interrupt services provided by certain underground facilities; to prohibit certain activities without first having ascertained the location of any potentially affected underground facilities; to prescribe procedures for notification of an intent to undertake certain activities; to prescribe certain activities to be included in an underground damage prevention program; to authorize formation of a public corporation for a statewide "One-Call Notification System" and to provide for its directors, powers and general administrative procedures; to prescribe procedures for response to both emergency and routine notification and for reporting damage resulting from certain activities; to prescribe civil penalties for violations and exceptions to such penalties; to provide for the liberal construction and severability of any part of this act and to provide that this act shall become effective on January 1, 1992.

was again taken up.

AMENDMENT TABLED

The question was then on the adoption of the amendment #1 offered by Representative Hooper on the eighth legislative day to the bill, H. 411, as amended, and on motion of Representative Hooper, the amendment #1 offered by him was tabled.

Yeas 56; Nays 0.

Yea:

Mr. Speaker, Anderson, Beasley, Biddle, Box, Bryant, Buskey (JE), Buskey (JL), Butler, Cagle, Carns, Carothers, Carter, Clark (W), Clay, Crow, Cullins, Dolbare, Drake, Ford, Gaston, Goodwin, Grayson, Gullatt, Hammett, Haney, Hawkins, Higginbotham, Hill, Hogan, Johnson, Kennedy, Kvalheim, Laird, Letson, Mathis, McClain, McDaniel, McKee, Millican, Morrow, Morton, Newton (C), Parker (T), Payne, Penry, Powell, Rockhold, Rogers (F), Sanderford, Smith (C), Smith (R), Turner, Venable, Willis and Zoghby.

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AMENDMENT OFFERED

Representative Hooper offered the following amendment #2 to the bill, H. 411, as amended:

Amend H. 411, by inserting after the semicolon following the word "representatives" on page 4, line 22, the following: ~~however, the term "person" does not include and no provision of this act shall apply to the state highway department or their officials, employees, agents or representatives while in the performance of their respective duties~~

Further amend H. 411 on page 5, line 19, after the word "act" by adding the following: ~~however, failure to provide such notification shall not make the State Highway Department subject to the penalties provided for in Section 11 of this act~~

Further amend H. 411, page 6, beginning on line 29 after the word "required" by deleting the following: ~~the State Highway Department or other~~ and inserting in lieu thereof the word any

Further amend H. 411 by changing the period following the word "purposes" on page 7, line 3, to a semicolon and after such semicolon adding the following: ~~or municipal or public corporations operating Water and Sewer Boards, which produce, treat, and sell water, and provide fire protection in accordance with Insurance Service Office fire protection standards, to 5,000 or more metered accounts, while doing work on any easements, rights of way or other property owned by said board or to said board had access; on any rural water system.~~

Further amend H. 411, page 7, line 12, by striking the word "all", and further at page 7, line 13, by inserting after the word "in" the following: sections

5(e), 5(f) and 5(g) of"

Further amend page 7, line 14, by removing the period and substituting therefore a semicolon, and by inserting following the semicolon, the following: "provided, however, that any Operator who has less than ten thousand customers or subscribers and who provides an in-house program which meets all of the other operational requirements of receiving those excavation or demolition notifications as set forth in this act shall not be required to provide the services of the in-house program on working days except during the hours that the Operator's offices are open to the public and shall not be required to voice record the notification calls received."

AMENDMENT ADOPTED

And the amendment was adopted.

Yeas 52; Nays 1.

Yea:

Mr. Speaker, Anderson, Barnes, Biddle, Black (M), Bryant, Buskey (JL), Butler, Cagle, Carns, Carothers, Carter, Clay, Crow, Cullins, Dolbare, Ford, Gaston, Goodwin, Gullatt, Hammett, Higginbotham, Hill, Hogan, Holladay, Holley, Hooper, Johnson, Knight, Kvalheim, Layson, Letson, Lindsey, Mathis, McClain, McDaniel, McKee, Mikell, Morrow, Morton, Newman, Parker (P), Payne, Penry, Rogers (F), Sanderford, Smith (C), Venable, Warren, Williams, Willis and Zoghby.

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Nay:

Representative Smith (R).

- 1

AMENDMENT OFFERED

Representative Mikell offered the following amendment to the bill, H. 411, as amended:

Amend H. 411 as follows:

On page 14, line 15, delete the word "initiates" and insert in lieu thereof the word: attempts

On page 14, line 18, after the word "excavator" insert the following: within two hours

AMENDMENT ADOPTED

And the amendment was adopted.

Yeas 50; Nays 0.

Yea:

Mr. Speaker, Barnes, Beasley, Biddle, Bryant, Burke, Butler, Carns, Carothers, Carter, Clay, Crow, Curry, Dolbare, Ford, Fuller, Gaines, Gullatt, Hamilton, Hammett, Haney, Hawkins, Hill, Hogan, Holladay, Johnson, Kennedy, Laird, Layson, Mathis, McDaniel, Morrow, Morton, Newton (C), Parker (P), Payne, Poole, Powell, Rich, Rockhold, Sanderford, Sanderson, Smith (C), Smith (R), Thomas, Turner, Turnham, Venable, Warren and Williams.

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PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned, and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has concurred in and adopted the following House Joint Resolutions and returns same herewith to the House:

H.J.R. 180. RELATIVE TO MEETING DAYS

Also:

H.J.R. 199. COMMEMORATION OF THE BICENTENNIAL OF THE BILL OF RIGHTS.

MCDOWELL LEE
Secretary

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has concurred in and adopted the following House Joint Resolutions and returns same herewith to the House:

H.J.R. 181. RECOGNIZING THE FAMILIES OF ALABAMA'S MILITARY PERSONNEL WHO SERVED IN DESERT SHIELD/DESERT STORM, AND DESIGNATING A DAY OF TRIBUTE IN THEIR HONOR.

Also:

H.J.R. 182. COMMENDING SARA FRANCES GROGAN CRUMPTON UPON RETIREMENT FROM STATE SERVICE, JULY 1, 1991.

Also:

H.J.R. 184. MOURNING THE DEATH OF REVEREND WILLIE F. THOMPSON OF DOTHAN, ALABAMA.

Also:

H.J.R. 185. COMMENDING ROY BRANDON FRAZIER OF HALEYVILLE, ALABAMA, ON OUTSTANDING ACADEMIC AND ATHLETIC ACHIEVEMENTS.

Also:

H.J.R. 186. COMMENDING GEORGE PERVY THAMES, BALDWIN COUNTY MAN OF THE YEAR FOR 1990.

**MCDOWELL LEE
Secretary**

H. 411 RESUMED

H. 411 TEMPORARILY CARRIED OVER

On motion of Representative Hooper, the bill, H. 411, as amended, was temporarily carried over.

RESOLUTIONS

The following resolutions were introduced and distributed according to Joint Rule 11:

By Representative Flowers:

H.R. 204. COMMENDING JERRY SPANN FOR OUTSTANDING SERVICE TO THE TROY CITY BOARD OF EDUCATION.

Also:

By Representative Flowers:

H.R. 205. COMMENDING BETTY SPANN FOR OUTSTANDING SERVICE TO THE TROY CITY BOARD OF EDUCATION.

Also:

By Representative Flowers:

H.R. 206. COMMENDING EUGENE BURKS FOR OUTSTANDING SERVICE TO THE TROY CITY BOARD OF EDUCATION.

Also:

By Representative Flowers:

H.R. 207. COMMENDING LOUISE BOYKIN FOR OUTSTANDING SERVICE TO THE TROY CITY BOARD OF EDUCATION.

Also:

By Representative Flowers:

H.R. 208. COMMENDING JOHNNIE PEARL FELTON FOR OUTSTANDING SERVICE TO THE TROY CITY BOARD OF EDUCATION.

**REPORT OF THE STANDING COMMITTEE
ON RULES ON ENROLLED AND ENGROSSED BILLS**

Mr. Speaker:

Your Standing Committee on Rules begs leave to report that said committee, in session, has compared the following engrossed bill with the original bill and finds same correctly engrossed, to-wit:

H. 612. Relating to Mobile County, authorizing residents to construct and maintain a permanent mailbox on the right-of-way of a county highway and authorizing residents to use a protective covering to protect said mailbox from vandalism.

TOMMY CARTER
Chairman

And the bill, H. 612, as engrossed, was ordered sent to the Senate.

UNFINISHED BUSINESS RESUMED

H. 131 TAKEN UP

And the bill:

REGULAR SESSION
11th Day

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H. 131. Relating to the Alabama Public Service Commission; amending Sections 37-3-10, 37-3-11, 37-3-13, 37-3-15, 37-3-17, 37-3-21 and 37-3-22 of the Code of Alabama 1975, relating to motor vehicle carriers, so as to provide further for the regulation of such carriers and repealing Section 37-3-14 of the Code of Alabama 1975, which relates to the dual operations by motor vehicle carriers.

which was carried over on the ninth legislative day was taken up.

AMENDMENT OFFERED

Representative Parker (T) offered the following amendment #1 to the bill, H. 131:

Amend House Bill 131 on Page 9, Line 33, as follows: by striking the word "confidential".

Further amend on Page 10, Lines 5 and 9, by striking the word "confidential".

Further amend on Page 10, Line 6, by striking the following:

"will be made available for inspection by the commission upon receipt of a request from the commission to inspect such files". and insert in lieu thereof the following:

"such contracts shall be filed with the Commission as public documents".

Further amend on Page 12, Lines 7, 10, and 14 by striking the word "confidential".

Further amend on Page 12, Line 8, by striking the word "not".

Further amend on Page 12, Line 10, after the word "rates" by striking the remainder of that line and continuing through the word "them" on Line 13.

AMENDMENT ADOPTED

And the amendment was adopted.

Yeas 55; Nays 2.

Yea:

Mr. Speaker, Anderson, Beasley, Biddle, Black (L), Blakeney, Bowling, Bryant, Burke, Carns, Carothers, Carter, Cullins, Curry, Dolbare, Ford, Gaines, Gaston, Grayson, Hall, Hamilton, Haney, Harvey, Hawkins, Haynes, Johnson, Knight, Kvalheim, Layson, Letson, Mathis, McKee, McMillan, Melton, Mikell, Millican, Morrow, Newman, Newton (C), Newton (D), Parker (P), Parker (T), Payne, Perdue, Petelos, Rich, Richardson, Rogers (F), Sanderson, Smith (C), Smith (R), Warren, White, Willis and Zoghby.

Nay:

Representatives Cagle and Powell.

- 2

AMENDMENT OFFERED

Representative Parker (T) offered the following amendment # 2 to the bill, H. 131, as amended:

In Section 1, amend the following quoted code sections as indicated:

In Section 37-3-10, page 2, after line 33, add the following new underlined subsection (d):

(d) Liquid petroleum products hauled in bulk are exempt from the requirements of this section.

In Section 37-3-11, page 4, after line 3, add the following new underlined subsection (c):

(c) Liquid petroleum products hauled in bulk are exempt from the requirements of this section.

In Section 37-3-13, page 6, after line 21, add the following new underlined subsection (c):

(c) Liquid petroleum products hauled in bulk are exempt from the requirements of this section.

In Section 37-3-15, page 8, after line 9, add the following new underlined subsection (f):

(f) Liquid petroleum products hauled in bulk are exempt from the requirements of this section.

In Section 37-3-17, page 8, after line 21, add the following new underlined language as a new paragraph:

Liquid petroleum products hauled in bulk are exempt from the requirements of this section.

In Section 37-3-21, page 11, after line 27, add the new following underlined subsection (e):

(e) Liquid petroleum products hauled in bulk are exempt from the requirements of this section.

In Section 37-3-22, page 13, after line 6, add the following new underlined subsection (d):

(d) Liquid petroleum products hauled in bulk are exempt from the requirements of this section.

AMENDMENT ADOPTED

And the amendment was adopted.

Yeas 57; Nays 0.

Yea:

Mr. Speaker, Anderson, Barnes, Biddle, Black (L.), Blakeney, Bowling, Bryant, Burke, Butler, Cagle, Carter, Clark (W), Crow, Cullins, Curry, Dolbare, Flowers, Ford, Gaston, Grayson, Gullatt, Hall, Hamilton, Haney, Harvey, Hawkins, Haynes, Hill, Hogan, Holley, Johnson, Knight, Kvalheim, Layson, McClain, McDaniel, McKee, McMillan, Millican, Morrow, Newman, Newton (C), Parker (P), Payne, Petelos, Rich, Richardson, Rogers (F), Rogers (J), Sanderson, Smith (C), Smith (R), Warren, White, Willis and Zoghby.

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MOTION TO INDEFINITELY POSTPONE LOST

The motion offered by Representative Holley to indefinitely postpone the bill, H. 131, as amended, was lost.

Yeas 10; Nays 48.

Yea:

Representatives Cagle, Gaines, Haynes, Hill, Holley, Johnson, Knight, Layson, Newton (C) and Rogers (F).

-10

Nay:

Representatives Anderson, Barnes, Beasley, Black (L.), Blakeney, Bowling, Bryant, Burke, Buskey (JL), Butler, Carns, Carter, Clark (W), Crow, Dolbare, Ford, Gaston, Grayson, Gullatt, Hall, Hamilton, Harvey, Hawkins, Kvalheim, Laird, McClain, McDaniel, McKee, Mikell, Morrow, Morton, Newman, Parker (P), Parker (T), Payne, Petelos, Powell, Rich, Richardson, Rogers (J), Sanderson, Smith (C), Smith (R), Warren, White, Williams, Willis and Zoghby.

-48

And the bill, H. 131, as amended, was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 53; Nays 18.

Yea:

Representatives Anderson, Barnes, Black (L), Blakeney, Bowling, Box, Bryant, Bugg, Burke, Buskey (JL), Butler, Carns, Carter, Clark (W), Clay, Cosby, Crow, Dolbare, Ford, Freeman, Gaston, Grayson, Hall, Hamilton, Haney, Harvey, Hogan, Kvalheim, Laird, Letson, McClain, McDaniel, McKee, Melton, Mikell, Morrow, Newman, Parker (P), Parker (T), Payne, Penry, Petelos, Poole, Powell, Rich, Richardson, Rogers (J), Sanderford, Smith (C), Smith (R), Warren, White and Willis.

-53

Nay:

Representatives Beasley, Biddle, Buskey (JE), Cagle, Carothers, Goodwin, Hawkins, Haynes, Hill, Holley, Johnson, Knight, Layson, Mathis, Newton (C), Rockhold, Rogers (F) and Williams.

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CO-SPONSORS ADDED

The following were added as co-sponsors to the bill, H. 131, as amended:

Representatives Bowling, Carns, Carter, Dolbare, Freeman, Grayson, Hall, Hogan, Kvalheim, McDaniel, McKee, Mikell, Morrow, Newman, Parker (P), Parker (T), Payne, Rich, Smith (C) and Smith (R).

MESSAGE FROM THE SENATE

Mr. Speaker:

The President and Presiding Officer of the Senate having signed the following Senate Bill, your signature thereto is requested:

S. 293. Relating to Mobile County; to amend Sections 1 through 9 of Act No. 974, S. 384, Regular Session 1961 (Acts 1961, p. 1550 et seq.); to confer on the Probate Courts of the county general and equity jurisdiction over certain estates concurrent with that of the Circuit Courts; to provide for the powers and authority of the Probate Judges and Chief Clerks of such Probate Courts; and to provide for the pleading and procedure in such estates, the enforcement of orders, judgments and decrees and appeals of same.

MCDOWELL LEE
Secretary

SIGNING OF SENATE BILL

The Speaker of the House, in the presence of the House, immediately after the title had been publicly read by the Clerk, the reading at length having been dispensed with by a two-thirds vote of a quorum present, signed the Bill, the title of which is set out in the foregoing Message from the Senate.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has concurred in and adopted the following House Joint Resolution and returns same herewith to the House:

H.J.R. 162. NAMING THE "W. C. HANDY MEMORIAL HIGHWAY."

MCDOWELL LEE
Secretary

MOTION TO SUSPEND RULES LOST

The motion offered by Representative Richardson to suspend the rules in order to take up out of order the Budget Isolation Resolution and the bill, H. 33, was lost, lacking a four-fifths vote.

Yeas 36; Nays 28.

Yea:

Representatives Beasley, Blakeney, Bowling, Burke, Butler, Carns, Clay, Cosby, Crow, Cullins, Freeman, Gaines, Gaston, Grayson, Gullatt, Hall, Hamilton, Haney, Holladay, Layson, Letson, McDaniel, McKee, McMillan, Mikell, Morrow, Newman, Rich, Richardson, Sanderford, Smith (C), Smith (R), Turner, Williams, Willis and Zoghby.

-36

Nay:

Representatives Anderson, Black (M), Box, Bugg, Buskey (JE), Buskey (JI), Cagle, Campbell, Carothers, Carter, Clark (W), Dolbare, Hawkins, Haynes, Higginbotham, Holley, Johnson, Knight, Laird, Mathis, Newton (C), Payne, Penry, Petelos, Rogers (F), Sanderson, Thomas and Turnham.

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UNFINISHED BUSINESS RESUMED**BUDGET ISOLATION RESOLUTION**

On motion of Representative Buskey (JL), the Budget Isolation Resolution relating to the bill, H. 21, was adopted.

Yeas 64; Nays 1.

Yea:

Mr. Speaker, Anderson, Barnes, Beasley, Biddle, Black (M), Blakeney, Box, Bugg, Burke, Buskey (JE), Butler, Cagle, Carns, Carothers, Carter, Clark (W), Clay, Cosby, Cullins, Dolbare, Drake, Ford, Gaston, Gullatt, Hall, Hamilton, Haney, Hawkins, Haynes, Hill, Hogan, Holladay, Holley, Johnson, Knight, Kvalheim, Laird, Letson, Mathis, McClain, McDaniel, McDowell, McKee, Melton, Millican, Morrow, Newman, Newton (C), Payne, Petelos, Poole, Rockhold, Rogers (F), Rogers (J), Sanderson, Thomas, Turner, Turnham, Warren, White, Williams, Willis and Zoghby.

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Nay:

Representative Richardson.

- 1

And the bill:

H. 21. To amend Section 41-16-24 of the Code of Alabama 1975, relating to bids on public contracts, so as to provide for trade-in value to be credited against cost of certain replacement property.

was taken up.

AMENDMENT OFFERED

Representative Buskey (JL) offered the following amendment to the bill, H. 21:

Amend H. 21 as follows:

On page 2, line 24, after the word "the" insert the word: trade-in

On page 2, line 24, after the word "which" insert the words: shall be contained in the bid and which

AMENDMENT ADOPTED

And the amendment was adopted.

Yeas 65; Nays 0.

Yea:

Mr. Speaker, Barnes, Beasley, Biddle, Black (I.), Black (M), Blakeney, Box, Bryant, Bugg, Burke, Buskey (JE), Buskey (JL), Butler, Cagle, Carns, Carothers, Carter, Clark (W), Clay, Crow, Cullins, Dolbare, Drake, Ford, Gaines, Gaston, Grayson, Gullatt, Hall, Hamilton, Haney, Hawkins, Hill, Hogan, Holladay, Johnson, Kennedy, Knight, Kvalheim, Laird, Letson, Mathis, McClain, McDaniel, McKee, Mikell, Morrow, Morton, Newman, Newton (C), Parker (P), Payne, Penry, Rich, Richardson, Rockhold, Rogers (J), Smith (C), Smith (R), Thomas, Turner, Warren, Willis and Zoghby.

-65

And the bill, H. 21, as amended, was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 73; Nays 4.

Yea:

Mr. Speaker, Barnes, Beasley, Biddle, Black (L), Black (M), Bowling, Box, Bryant, Burke, Buskey (JE), Buskey (JL), Butler, Cagle, Carns, Carothers, Carter, Clark (W), Clay, Cosby, Crow, Cullins, Dolbare, Drake, Ford, Freeman, Gaines, Gaston, Grayson, Gullatt, Hall, Haney, Harper, Hawkins, Haynes, Hill, Hogan, Holladay, Holley, Johnson, Kennedy, Knight, Kvalheim, Laird, Layson, Letson, Mathis, McClain, McDaniel, McKee, Melton, Morrow, Morton, Newman, Newton (C), Parker (P), Payne, Penry, Poole, Powell, Rich, Richardson, Rogers (F), Rogers (J), Sanderson, Smith (C), Smith (R), Thomas, Turner, Warren, Williams, Willis and Zoghby.

-73

Nay:

Representatives Blakeney, Hamilton, Higginbotham and Turnham.

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H. 411 AGAIN TAKEN UP

And the bill, H. 411, as amended, was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 46; Nays 18.

Yea:

Mr. Speaker, Barnes, Beasley, Biddle, Black (I.), Bowling, Box, Bryant, Bugg, Burke, Cagle, Campbell, Carns, Carothers, Carter, Clay, Cosby, Ford,

Gaston, Gullatt, Hall, Hammett, Harvey, Hawkins, Higginbotham, Hogan, Hooper, Johnson, Knight, Kvalheim, Laird, McClain, McDaniel, Mikell, Morton, Newton (C), Parker (T), Penry, Rogers (J), Sanderson, Thomas, Turnham, Warren, White, Willis and Zoghby.

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Nay:

Representatives Anderson, Black (M), Hamilton, Haney, Hill, Holladay, Layson, Millican, Newman, Payne, Poole, Powell, Rich, Rockhold, Rogers (F), Smith (C), Smith (R) and Turner.

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PERMISSION GRANTED

Permission was granted for the Journal to reflect that Representative Buskey (JE) intended to vote "Yea" on the passage of the bill, H. 411.

SPECIAL ORDER CALENDAR RESUMED

BUDGET ISOLATION RESOLUTION OFFERED

Representative Fuller offered the motion to adopt the Budget Isolation Resolution relating to the bill, H. 438.

SUBSTITUTE MOTION TO CARRY OVER TABLED

On motion of Representative Fuller, the substitute motion offered by Representative Turner to carry over the Budget Isolation Resolution and the bill, H. 438, to the twelfth legislative day, was tabled.

Yeas 60; Nays 31.

Yea:

Mr. Speaker, Anderson, Barnes, Beasley, Black (L), Black (M), Box, Bryant, Bugg, Burke, Buskey (JE), Buskey (JL), Butler, Campbell, Carothers, Clark (W), Clay, Crow, Cullins, Curry, Dolbare, Freeman, Fuller, Gaston, Grayson, Gullatt, Hammett, Harper, Haynes, Higginbotham, Hogan, Holladay, Holley, Hooper, Johnson, Kennedy, Kvalheim, Letson, Mathis, McClain, McDowell, Melton, Morrow, Newman, Newton (C), Parker (P), Parker (T), Penry, Poole, Powell, Rockhold, Rogers (J), Smith (C), Thomas, Turnham, Warren, White, Williams, Willis and Zoghby.

-60

Nay:

Representatives Biddle, Bowling, Cagle, Carns, Cosby, Drake, Flowers, Gaines, Hall, Hamilton, Haney, Hawkins, Hill, Knight, Laird, Layson, McDaniel, McKee, McMillan, Mikell, Millican, Morton, Payne, Petelos, Rich, Rogers (F), Sanderford, Sanderson, Smith (R), Turner and Venable.

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**REPORT OF THE STANDING COMMITTEE
ON RULES ON ENROLLED AND ENGROSSED BILLS**

Mr. Speaker:

Your Standing Committee on Rules begs leave to report that it has examined the following House Joint Resolutions, to-wit:

H.J.R. 180. RELATIVE TO MEETING DAYS

Also:

H.J.R. 181. RECOGNIZING THE FAMILIES OF ALABAMA'S MILITARY PERSONNEL WHO SERVED IN DESERT SHIELD/DESERT STORM, AND DESIGNATING A DAY OF TRIBUTE IN THEIR HONOR.

Also:

H.J.R. 182. COMMENDING SARA FRANCES GROGAN CRUMPTON UPON RETIREMENT FROM STATE SERVICE, JULY 1, 1991.

Also:

H.J.R. 184. MOURNING THE DEATH OF REVEREND WILLIE F. THOMPSON OF DOTHAN, ALABAMA.

Also:

H.J.R. 185. COMMENDING ROY BRANDON FRAZIER OF HALEYVILLE, ALABAMA, ON OUTSTANDING ACADEMIC AND ATHLETIC ACHIEVEMENTS.

Also:

H.J.R. 186. COMMENDING GEORGE PERVY THAMES, BALDWIN COUNTY MAN OF THE YEAR FOR 1990.

Also:

H.J.R. 199. COMMEMORATION OF THE BICENTENNIAL OF THE BILL OF RIGHTS

And finds same correctly enrolled.

TOMMY CARTER
Chairman

SIGNING OF HOUSE JOINT RESOLUTIONS

The Speaker of the House, in the presence of the House, immediately after the titles had been publicly read by the Clerk, the reading at length having been dispensed with by a two-thirds vote of a quorum present, signed the House Joint Resolutions, the titles of which are set out in the foregoing Report of the Standing Committee on Rules.

REPORT OF THE STANDING COMMITTEE ON RULES ON ENROLLED AND ENGROSSED BILLS

Mr. Speaker:

Your Standing Committee on Rules begs leave to report that it has examined the following House Joint Resolution, to-wit:

H.J.R. 162. NAMING THE "W. C. HANDY MEMORIAL HIGHWAY."

And finds same correctly enrolled.

TOMMY CARTER
Chairman

SIGNING OF HOUSE JOINT RESOLUTION

The Speaker of the House, in the presence of the House, immediately after the title had been publicly read by the Clerk, the reading at length having been dispensed with by a two-thirds vote of a quorum present, signed the House Joint Resolution, the title of which is set out in the foregoing Report of the Standing Committee on Rules.

H. 438 RESUMED

BUDGET ISOLATION RESOLUTION

The question was then on the motion offered by Representative Fuller to adopt the Budget Isolation Resolution relating to the bill, H. 438, and the motion was adopted.

Yeas 57; Nays 25.

Yea:

Mr. Speaker, Anderson, Barnes, Beasley, Black (L), Black (M), Bowling, Box, Bryant, Bugg, Burke, Buskey (JE), Buskey (JL), Butler, Cagle, Carns, Carothers, Clark (W), Clay, Crow, Cullins, Fuller, Gaston, Grayson, Gullatt, Hammett, Harper, Hawkins, Haynes, Higginbotham, Hogan, Holladay, Holley, Holmes, Johnson, Kennedy, Kvalheim, Letson, Mathis, McClain, Melton, Millican, Morrow, Newman, Newton (C), Parker (P), Parker (T), Penry, Poole, Powell, Rogers (F), Smith (C), Thomas, Venable, Warren, White and Willis.

-57

Nay:

Representatives Biddle, Blakeney, Cosby, Flowers, Gaines, Hall, Hamilton, Hane, Harvey, Hill, Knight, Laird, McDaniel, McKee, McMillan, Mikell, Morton, Payne, Petelos, Rich, Richardson, Sanderford, Sanderson, Smith (R) and Turner.

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And the bill:

H. 438. To propose an amendment to the Constitution of Alabama of 1901, to provide that the Legislature shall establish and maintain an adequate and efficient system of public education, and to further provide that public education is an essential function of state government.

was taken up.

SUBSTITUTE OFFERED

Representative Fuller offered the following substitute to the bill, H. 438:

A BILL TO BE ENTITLED AN ACT

To propose an amendment to the Constitution of 1901, to provide that the Legislature shall establish and maintain an adequate and efficient system of public education, and to further provide that public education is an essential function of state and local government.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

Section 1. The following amendment to the Constitution of Alabama of 1901, as amended, is proposed and shall become valid as a part thereof when approved by a majority of the qualified electors voting thereon and in accordance with Sections 284, 285 and 287 of the Constitution of 1901 as amended:

PROPOSED AMENDMENT

Section 259, as amended by Amendment 111 of the Constitution of Alabama is hereby repealed; and Section 256, as amended by Amendment 111 of the Constitution of Alabama, is hereby amended to read as follows: The Legislature shall establish and maintain an adequate and efficient system of public schools throughout the state to assure that all children of school age shall be afforded equal educational opportunities, and further may provide for the support of other public educational institutions and institutions of higher learning as are established by this Constitution or other law. Public education is declared to be an essential function of state and local government, provided nothing herein shall be construed to prohibit the proration of appropriations to such public education in any year in which revenue is insufficient to meet pending appropriations as provided for in Amendment 26 to this Constitution. It is provided further that nothing in this amendment shall be construed to require the transfer of school funds collected by local taxing authorities.

Section 2. An election upon the proposed amendment is ordered to be held at the next general, special, primary or constitutional amendment election after the expiration of three months from final adjournment of the current session of the Legislature. The election shall be held in accordance with the provisions of Sections 284 and 285 of the Constitution of Alabama, as amended, and the general election laws of this state.

Section 3. Notice of the election and of the proposed amendment shall be given by proclamation of the Governor, which proclamation shall be published once a week for four successive weeks next preceding the day appointed for the election in a newspaper in each county of the state. In every county in which no newspaper is published, a copy of the notice shall be posted at each courthouse and post office.

H. 438 CARRIED OVER

On motion of Representative Fuller, the bill, H. 438, and the pending substitute were carried over to the twelfth legislative day.

BUDGET ISOLATION RESOLUTION

On motion of Representative Zoghby, the Budget Isolation Resolution relating to the bill, H. 627, was adopted.

Yeas 58; Nays 4.

Yea:

Mr. Speaker, Anderson, Beasley, Biddle, Black (M), Box, Bugg, Buskey (JL), Cagle, Carns, Carothers, Clark (W), Crow, Cullins, Dolbare, Escott-Russell, Flowers, Fuller, Gaines, Gaston, Gullatt, Hall, Hamilton, Hammett, Harper, Hogan, Holladay, Holley, Johnson, Kennedy, Kvalheim, Layson, Letson,

Mathis, McDowell, McKee, Mikell, Morrow, Morton, Newman, Newton (C), Parker (T), Payne, Penry, Poole, Powell, Rich, Richardson, Sanderford, Sanderson, Smith (C), Turnham, Venable, Warren, White, Williams, Willis and Zoghby.

-58

Nay:

Representatives Barnes, McClain, Newton (D) and Smith (R).

-4

And the bill:

H. 627. To create a State of Alabama Rapid Rail Transit Commission; and to provide for its membership and duties.

was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 78; Nays 0.

Yea:

Mr. Speaker, Anderson, Barnes, Beasley, Biddle, Black (L), Blakeney, Bowling, Box, Bryant, Bugg, Burke, Buskey (JE), Butler, Cagle, Carns, Carothers, Carter, Clark (W), Clay, Crow, Cullins, Curry, Dolbare, Flowers, Ford, Gaines, Gaston, Gullatt, Hall, Hammett, Haney, Hawkins, Higginbotham, Hill, Hogan, Holley, Holmes, Johnson, Knight, Kvalheim, Laird, Letson, Mathis, McClain, McDowell, McKee, McMillan, Mikell, Millican, Morrow, Morton, Newman, Newton (C), Parker (P), Parker (T), Payne, Penry, Petelos, Poole, Powell, Richardson, Rockhold, Rogers (F), Rogers (J), Sanderford, Sanderson, Smith (C), Smith (R), Spratt, Thomas, Turner, Turnham, Venable, Warren, White, Willis and Zoghby.

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PERMISSION GRANTED

Permission was granted for the Journal to reflect that Representatives Barnes and Smith (R) intended to vote "Yea" on adoption of the Budget Isolation Resolution relating to the bill, H. 627.

BUDGET ISOLATION RESOLUTION OFFERED

Representative Harper offered the motion to adopt the Budget Isolation Resolution relating to the bill, H. 279.

SUBSTITUTE MOTION TO CARRY OVER OFFERED

Representative Holmes offered the substitute motion that the Budget Isolation Resolution and the bill, H. 279, be carried over to the twelfth legislative day.

SUBSTITUTE TO SUBSTITUTE MOTION LOST

The substitute to the substitute motion offered by Representative Holmes that the House adjourn until 10:00 o'clock a.m., Thursday, May 23, 1991, was lost.

Yeas 16; Nays 45.

Yea:

Representatives Anderson, Barnes, Biddle, Black (M), Bugg, Burke, Cagle, Clay, Crow, Haney, Hogan, Holmes, McClain, McDowell, Rogers (J) and Willis.

-16

Nay:

Mr. Speaker, Beasley, Blakeney, Butler, Carns, Carothers, Carter, Cosby, Cullins, Curry, Dolbare, Flowers, Ford, Gaines, Gaston, Harper, Hawkins, Haynes, Hill, Hooper, Johnson, Kennedy, Knight, Laird, Letson, Mathis, McKee, McMillan, Mikell, Morrow, Newton (C), Parker (T), Payne, Petelos, Poole, Powell, Rich, Rockhold, Rogers (F), Sanderford, Sanderson, Smith (R), Turnham, White and Zoghby.

-45

SUBSTITUTE MOTION TO CARRY OVER TABLED

On motion of Representative Harper, the substitute motion offered by Representative Holmes to carry over the Budget Isolation Resolution and the bill, H. 279, to the twelfth legislative day, was tabled.

Yeas 53; Nays 7.

Yea:

Mr. Speaker, Anderson, Beasley, Biddle, Blakeney, Bryant, Bugg, Burke, Buskey (JE), Buskey (JL), Butler, Cagle, Carns, Carothers, Carter, Cosby, Crow, Cullins, Dolbare, Flowers, Ford, Gaines, Gaston, Haney, Harper, Hawkins, Haynes, Hill, Hogan, Hooper, Knight, Laird, Letson, Mathis, McDaniel, McKee, Morrow, Morton, Newton (C), Parker (T), Payne, Poole, Rich, Rockhold, Rogers (F), Sanderford, Sanderson, Spratt, Turner, Turnham, White, Willis and Zoghby.

-53

Nay:

Representatives Barnes, Black (M), Clay, Holmes, Powell, Rogers (J) and Smith (R).

-7

BUDGET ISOLATION RESOLUTION

The question was then on the motion offered by Representative Harper to adopt the Budget Isolation Resolution relating to the bill, H. 279, and the motion was adopted.

Yeas 70; Nays 4.

Yea:

Mr. Speaker, Beasley, Biddle, Blakeney, Box, Bryant, Bugg, Burke, Buskey (JE), Butler, Cagle, Carns, Carothers, Carter, Clay, Crow, Cullins, Dolbare, Flowers, Ford, Freeman, Fuller, Gaines, Gaston, Gullatt, Hall, Hammett, Harper, Hawkins, Haynes, Hill, Hogan, Hooper, Johnson, Kennedy, Knight, Kvalheim, Laird, Layson, Letson, Mathis, McDaniel, Melton, Millican, Morrow, Morton, Newman, Newton (C), Parker (P), Parker (T), Penry, Petelos, Poole, Powell, Rich, Richardson, Rockhold, Rogers (F), Sanderford, Sanderson, Smith (C), Smith (R), Spratt, Turner, Turnham, Venable, Warren, White, Willis and Zoghby.

-70

Nay:

Representatives Anderson, Black (M), Holmes and Payne.

-4

And the bill:

H. 279. (With Amendment): To provide for immunity for certain persons responding to certain oil spills.

was taken up.

The question was then on the adoption of the amendment reported by the Standing Committee on Ways and Means, said committee amendment being as follows:

Amend House Bill 279 on page 3, line 3, by striking the word "responsibility" and inserting in lieu thereof the word: responsible

SUBSTITUTE OFFERED

Representative Harper offered the following substitute to the bill, H. 279, and to the pending committee amendment:

**A BILL
TO BE ENTITLED
AN ACT**

To provide for immunity for certain persons responding to certain oil spills.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

Section 1. This act shall be known and may be cited as the Alabama Act Regarding Liability for Persons Responding to Oil Spills.

Section 2. For the purposes of this act the term:

(1) "Damages" means damages of any kind for which liability may exist under the laws of this state resulting from, arising out of, or related to the discharge or threatened discharge of oil;

(2) "Discharge" means any emission (other than natural seepage), intentional or unintentional, and includes, but is not limited to, spilling, leaking, pumping, pouring, emitting, emptying or dumping;

(3) "Federal On-Scene Coordinator" means the federal official predesignated by the U.S. Environmental Protection Agency or the U.S. Coast Guard to coordinate and direct federal responses under subpart D of the National Contingency Plan, or the official designated by the lead agency to coordinate and direct removal under subpart E, of the National Contingency Plan;

(4) "National Contingency Plan" means the National Contingency Plan prepared and published under section 311(d) of the Federal Water Pollution Control Act [33 U.S.C.1321(d)], as amended by the Oil Pollution Act of 1990, Pub. L. No. 101-380, 104 Stat. 484 (1990);

(5) "Oil" means oil of any kind or in any form, including, but not limited to, petroleum, fuel oil, sludge, oil refuse, and oil mixed with wastes other than dredged spoil;

(6) "Person" means an individual, corporation, partnership, association, state, municipality, commission, or political subdivision of a state, or any interstate body;

(7) "Removal costs" means the costs of removal that are incurred after a discharge of oil has occurred or, in any case in which there is a substantial threat of a discharge of oil, the costs to prevent, minimize, or mitigate oil pollution from such an incident;

(8) "Responsible party" means the following:

(a) **Vessels.** In the case of a vessel, any person owning, operating, or demise chartering the vessel.

(b) **Onshore facilities.** In the case of an onshore facility (other than a pipeline), any person owning or operating the facility, except a federal agency, state, municipality, commission, or political subdivision of a state, or any interstate body, that as owner, transfers possession and right to use the property to another person by lease, assignment, or permit.

(c) **Offshore facilities.** In the case of an offshore facility (other than a pipeline or a deepwater port licensed under the Deepwater Port Act of 1974 (33 U.S.C. 1501 et seq.)), the lessee or permittee of the area in which the facility is located or the holder of a right of use and easement granted under applicable state law or the Outer Continental Shelf Lands Act (43 U.S.C. 1301-1356) for the area in which the facility is located (if the holder is a different person than the lessee or permittee), except a federal agency, state, municipality, commission or political subdivision of a state, or any interstate body, that as owner, transfers possession and right to use the property to another person by lease, assignment, or permit.

(d) **Deepwater ports.** In the case of a deepwater port licensed under the Deepwater Port Act of 1974 (33 U.S.C. 1501-1524), the licensee.

(e) **Pipelines.** In the case of a pipeline, any person owning or operating the pipeline.

(f) **Abandonment.** In the case of an abandoned vessel, onshore facility, deepwater port, pipeline, or offshore facility, the persons who would have been responsible parties immediately prior to the abandonment of the vessel or facility.

Section 3. (a) Notwithstanding any other provision of law, a person is not liable for removal costs or damages which result from actions taken or omitted to be taken in the course of rendering care, assistance, or advice consistent with the National Contingency Plan or as otherwise directed by the Federal On-Scene Coordinator or by any state official with responsibility for oil spill response.

(b) Subsection (a) of this section does not apply:

(1) to a responsible party;

(2) with respect to personal injury or wrongful death; or

(3) if the person is grossly negligent or engages in wanton or willful misconduct.

(c) A responsibility party is liable for any removal costs and damages that another person is relieved of under subsection (a) of this section.

(d) Nothing in this act affects the liability of a responsible party for oil spill response under state law.

Section 4. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

SUBSTITUTE ADOPTED

And the substitute was adopted.

Yeas 72; Nays 4.

Yea:

Mr. Speaker, Beasley, Biddle, Blakeney, Box, Bryant, Bugg, Buskey (JE), Butler, Cagle, Carns, Carothers, Carter, Clark (W), Clay, Crow, Cullins, Dolbare, Escott-Russell, Ford, Freeman, Fuller, Gaines, Gaston, Gullatt, Hall, Hammett, Harper, Hawkins, Haynes, Hill, Hogan, Hooper, Johnson, Kennedy, Knight, Kvalheim, Laird, Layson, Letson, Mathis, McDaniel, McMillan, Melton, Millican, Morrow, Morton, Newman, Newton (C), Parker (P), Parker (T), Payne, Penry, Petelos, Poole, Powell, Rich, Richardson, Rockhold, Rogers (F), Sanderford, Sanderson, Smith (C), Smith (R), Spratt, Turner, Turnham, Venable, Warren, White, Willis and Zoghby.

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Nay:

Representatives Anderson, Barnes, Holmes and McClain.

-4

AMENDMENT OFFERED

Representative Harper offered the following amendment to the bill, H. 279, as amended:

Amend H. 279 on page 3, Section 3(a), line 20 by adding after the word "damages", the following: or civil penalties

And, further amend H. 279 on page 3, Section 3(a), line 22 by adding after the word "advice", the following: whether such action or omission is taken voluntarily, or pursuant to or

And, further amend H. 279 on page 3, Section 3(a), line 24 by adding after the word "or", the following: state contingency plan, or pursuant to or consistant with a state or federal vessel-specific contingency plan,

And, further amend H. 279 on page 3, Section 3(a), line 25 by adding after the word "response", the following: or pursuant to or consistant with the request of the responsible person.

AMENDMENT ADOPTED

And the amendment was adopted.

Yeas 68; Nays 5.

Yea:

Mr. Speaker, Beasley, Biddle, Blakeney, Bryant, Bugg, Buskey (JE), Butler, Cagle, Carns, Carothers, Carter, Clark (W), Clay, Crow, Cullins, Dolbare, Escott-Russell, Ford, Freeman, Fuller, Gaines, Gaston, Gullatt, Hall, Hammett, Harper, Harvey, Hawkins, Haynes, Hill, Hogan, Hooper, Johnson, Knight, Kvalheim, Laird, Layson, Letson, Mathis, McDaniel, McMillan, Mikell, Millican, Morrow, Morton, Newman, Newton (C), Parker (P), Parker (T), Penry, Petelos, Poole, Richardson, Rockhold, Rogers (F), Sanderford, Sanderson, Smith (C), Smith (R), Spratt, Turner, Turnham, Venable, Warren, White, Willis and Zoghby.

-68

Nay:

Representatives Anderson, Barnes, Black (M), Holmes and Payne.

-5

And the bill, H. 279, as amended, was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 68; Nays 9.

Yea:

Mr. Speaker, Beasley, Biddle, Blakeney, Bryant, Bugg, Buskey (JE), Butler, Cagle, Carns, Carothers, Carter, Clark (W), Clay, Crow, Cullins, Dolbare, Escott-Russell, Ford, Freeman, Fuller, Gaines, Gaston, Gullatt, Hall, Hammett, Harper, Hawkins, Haynes, Hill, Hogan, Hooper, Johnson, Knight, Kvalheim, Laird, Layson, Letson, McDaniel, McMillan, Melton, Mikell, Millican, Morrow, Morton, Newman, Newton (C), Parker (P), Parker (T), Penry, Petelos, Poole, Powell, Rich, Richardson, Rockhold, Rogers (F), Sanderford, Sanderson, Smith (C), Smith (R), Turner, Turnham, Venable, Warren, White, Willis and Zoghby.

-68

Nay:

Representatives Anderson, Barnes, Black (M), Holmes, Mathis, McDowell, Newton (D), Payne and Spratt.

-9

BUDGET ISOLATION RESOLUTION

On motion of Representative Kennedy, the Budget Isolation Resolution relating to the bill, H. 370, was adopted.

Yeas 73; Nays 0.

Yea:

Mr. Speaker, Anderson, Barnes, Beasley, Biddle, Black (L), Black (M), Blakeney, Bryant, Buskey (JE), Butler, Cagle, Carns, Carter, Clark (W), Clay, Crow, Cullins, Dolbare, Escott-Russell, Ford, Freeman, Gaines, Gaston, Gullatt, Hall, Hammett, Harper, Harvey, Hawkins, Haynes, Hill, Hogan, Holmes, Hooper, Johnson, Kennedy, Knight, Kvalheim, Laird, Layson, Letson, Mathis, McDaniel, McDowell, McMillan, Mikell, Millican, Morrow, Morton, Newman, Newton (C), Newton (D), Parker (P), Payne, Penry, Petelos, Poole, Rich, Richardson, Rockhold, Rogers (F), Sanderford, Sanderson, Smith (C), Smith (R), Spratt, Turner, Turnham, Venable, White, Willis and Zoghyby.

-73

And the bill:

H. 370. To amend certain sections in Title 40 of the Code of Alabama 1975, relating to crimes and offenses committed by employees of the Department of Revenue for violations of revenue and taxation statutes, regulations and procedure requiring confidentiality of information and certain exclusions therefrom; to amend Section 40-18-52, Code of Alabama 1975, to increase the punishment for violation of the confidentiality of income tax returns and income tax information and to amend Section 40-1-33, Code of Alabama 1975, so as to increase the punishment for violation of the confidentiality of all tax returns and information secured by the Department of Revenue; to amend Section 40-1-33, Code of Alabama 1975, to provide for the promulgation of rules and regulations permitting the exchange of tax information with other federal, state, county and municipal government tax agencies and associations of state tax agencies; and to specifically repeal Sections 40-23-29 (relating to confidentiality of sales tax returns), 40-23-84 (relating to confidentiality of use tax returns), 40-14-57 (relating to confidentiality of franchise tax returns), and 40-17-202 (relating to confidentiality of carriers and warehouse returns) of the Code of Alabama 1975 since those provisions would be duplicative of Section 40-1-33, Code of Alabama 1975.

was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 76; Nays 0.

Yea:

Mr. Speaker, Anderson, Barnes, Beasley, Biddle, Black (L), Black (M), Blakeney, Bryant, Buskey (JE), Buskey (JL), Butler, Cagle, Carns, Carothers, Carter, Clark (W), Clay, Crow, Cullins, Dolbare, Escott-Russell, Freeman,

Fuller, Gaines, Gaston, Gullatt, Hall, Hammett, Harper, Harvey, Hawkins, Haynes, Hill, Hogan, Holmes, Hooper, Johnson, Kennedy, Knight, Kvalheim, Laird, Layson, Letson, Mathis, McDaniel, McDowell, McMillan, Mikell, Millican, Morrow, Morton, Newman, Newton (C), Newton (D), Parker (P), Payne, Penry, Petelos, Poole, Powell, Rich, Richardson, Rockhold, Rogers (F), Sanderford, Sanderson, Smith (C), Smith (R), Spratt, Turner, Turnham, Venable, White, Willis and Zoghby.

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BUDGET ISOLATION RESOLUTION

On motion of Representative Kennedy, the Budget Isolation Resolution relating to the bill, H. 371, was adopted.

Yeas 72; Nays 0.

Yea:

Mr. Speaker, Anderson, Barnes, Beasley, Biddle, Black (L), Black (M), Blakeney, Bowling, Bryant, Buskey (JE), Buskey (JL), Butler, Cagle, Campbell, Carothers, Carter, Clark (W), Clay, Crow, Cullins, Dolbare, Escott-Russell, Freeman, Fuller, Gaines, Gaston, Gullatt, Hammett, Harper, Haynes, Hogan, Holmes, Hooper, Johnson, Kennedy, Knight, Kvalheim, Laird, Layson, Letson, Mathis, McDaniel, McDowell, McMillan, Melton, Mikell, Morrow, Morton, Newman, Newton (C), Newton (D), Parker (P), Payne, Penry, Poole, Rich, Richardson, Rockhold, Rogers (F), Sanderford, Sanderson, Smith (C), Smith (R), Spratt, Turner, Turnham, Venable, Warren, White, Willis and Zoghby.

-72

And the bill:

H. 371. To amend Section 40-23-68 of the Code of Alabama 1975, to require out-of-state businesses with Alabama nexus to collect and report Alabama Use Tax on their sales to Alabama customers, and to provide for an effective date.

was taken up.

AMENDMENT OFFERED

Representative Venable offered the following amendment to the bill, H. 371:

Amend H. 371, Page 5, line 10 by inserting a new "Section 2." as follows:

"Section 2. Section 40-23-85 of the Code of Alabama 1975, is hereby amended as follows:

"§40-23-85.

"(a) All taxes, fees, interest or penalties imposed and all amounts of tax herein required to be paid to the state under this article must be paid to the department of revenue at Montgomery, Alabama, with remittance payable to the treasurer of Alabama. Such amount of money as shall be appropriated for each fiscal year by the legislature to the department of revenue with which to pay the salaries, the cost of operation and the management of the said department shall be deducted, as a first charge thereon, from the taxes collected under and pursuant to section 40-23-61; provided, that the expenditure of said sum so appropriated shall be budgeted and allotted pursuant to article 4 of chapter 4 of Title 41 of this Code, and limited to the amount appropriated to defray the expenses of operating said department for each fiscal year.

"(b) The first \$3,000,000 of the remainder shall be paid to the state industrial development authority for site development grants and such sum is hereby appropriated annually for such purpose. The balance of the tax collected under and pursuant to said section 40-23-61 shall remain in the state treasury to the credit of the Alabama special educational trust fund and shall be withdrawn as other moneys in said fund."

Further amend H. 371 by renumbering the remaining sections of the bill.

AMENDMENT TABLED

On motion of Representative Kennedy, the amendment offered by Representative Venable to the bill, H. 371, was tabled.

Yeas 63; Nays 20.

Yea:

Representatives Anderson, Barnes, Beasley, Biddle, Black (L), Black (M), Bowling, Bryant, Bugg, Burke, Buskey (JE), Buskey (JL), Butler, Cagle, Campbell, Carter, Clark (W), Crow, Cullins, Dolbare, Escott-Russell, Flowers, Ford, Freeman, Fuller, Gullatt, Hall, Hammett, Harper, Harvey, Haynes, Hogan, Holladay, Holley, Hooper, Johnson, Kennedy, Letson, McClain, McDowell, Melton, Millican, Morrow, Morton, Newman, Newton (D), Parker (P), Parker (T), Poole, Powell, Rockhold, Rogers (F), Rogers (J), Sanderford, Sanderson, Smith (C), Spratt, Thomas, Turnham, Warren, White, Willis and Zoghby.

-63

Nay:

Representatives Carns, Carothers, Clay, Cosby, Hawkins, Knight, Mathis, McDaniel, McKee, McMillan, Mikell, Newton (C), Payne, Penry, Petelos, Rich, Smith (R), Turner, Venable and Williams.

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REGULAR SESSION
11th Day

863

And the bill, H. 371, was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 85; Nays 8.

Yea:

Mr. Speaker, Anderson, Barnes, Beasley, Black (L), Black (M), Blakeney, Bowling, Bryant, Bugg, Burke, Buskey (JE), Buskey (JL), Butler, Cagle, Campbell, Carothers, Carter, Clark (W), Clay, Cosby, Crow, Cullins, Dolbare, Escott-Russell, Flowers, Ford, Freeman, Fuller, Gaston, Gullatt, Hall, Hamilton, Hammett, Harper, Harvey, Haynes, Hill, Hogan, Holladay, Holley, Hooper, Johnson, Kennedy, Knight, Kvalheim, Laird, Layson, Letson, Mathis, McClain, McDaniel, McDowell, McKee, McMillan, Melton, Mikell, Millican, Morrow, Morton, Newman, Newton (C), Newton (D), Parker (P), Parker (T), Penry, Poole, Powell, Rich, Richardson, Rockhold, Rogers (F), Rogers (J), Sanderford, Smith (C), Smith (R), Spratt, Thomas, Turner, Turnham, Venable, Warren, White, Willis and Zoghby.

-85

Nay:

Representatives Biddle, Carns, Curry, Gaines, Payne, Petelos, Sanderson and Williams.

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MESSAGE FROM THE SENATE

Mr. Speaker:

The President and Presiding Officer of the Senate having signed the following Senate Joint Resolutions, your signature thereto is requested:

S.J.R. 71. MOURNING THE DEATH OF ROY LEE MULLINS OF RUSSELLVILLE, ALABAMA.

Also:

S.J.R. 74. COMMENDING LAWRENCE COUNTY AS THE "COUNTY OF CHAMPIONS."

Also:

S.J.R. 75. COMMENDING KELLY D. CAIN OF SOMERVILLE, ALABAMA, FOR OUTSTANDING ACADEMIC ACHIEVEMENT.

Also:

S.J.R. 76. NAMING THE STATE PRISON AT BESSEMER, ALABAMA, THE "WILLIAM E. DONALDSON CORRECTIONAL FACILITY."

Also:

S.J.R. 78. RECOGNIZING THE FAMILIES OF ALABAMA'S MILITARY PERSONNEL WHO SERVED IN DESERT SHIELD/DESERT STORM, AND DESIGNATING A DAY OF TRIBUTE IN THEIR HONOR.

Also:

S.J.R. 79. MOURNING THE DEATH OF JUDGE JAMES A. AVARY OF LANETT, ALABAMA.

Also:

S.J.R. 80. COMMENDING SARA FRANCES GROGAN CRUMPTON UPON RETIREMENT FROM STATE SERVICE, JULY 1, 1991.

Also:

S.J.R. 81. RENAMING THE "STATE OFFICE BUILDING" THE "LURLEEN B. WALLACE OFFICE BUILDING."

Also:

S.J.R. 82. RECOGNIZING THE ALABAMA JUNIOR COLLEGE ATHLETIC HALL OF FAME.

Also:

S.J.R. 84. COMMENDING DWIGHT CARLISLE OF ALEXANDER CITY FOR DISTINGUISHED SERVICE AS PRESIDENT AND CHIEF EXECUTIVE OFFICER OF THE RUSSELL CORPORATION.

MCDOWELL LEE
Secretary

SIGNING OF SENATE JOINT RESOLUTIONS

The Speaker of the House, in the presence of the House, immediately after the titles had been publicly read by the Clerk, the reading at length having been dispensed with by a two-thirds vote of a quorum present, signed the Senate Joint Resolutions, the titles of which are set out in the foregoing Message from the Senate.

RESOLUTIONS

The following resolutions were introduced and distributed according to Joint Rule 11:

By Representative Cosby:

H.R. 209. COMMENDING LEE INGRAM AND LESLIE NELSON FOR OUTSTANDING HEROISM.

Also:

By Representatives Cosby, Thomas and Bryant:

H.R. 210. COMMENDING MELVIN E. SUMMERLIN OF SELMA, ALABAMA, ON HIS DISTINGUISHED LAW ENFORCEMENT CAREER.

Also:

The following resolution was introduced:

By Representatives Cosby and McDowell:

H.R. 211. INVITING MRS. KATHRYN TUCKER WINDHAM TO ADDRESS THE ALABAMA HOUSE OF REPRESENTATIVES.

WHEREAS, a native Alabamian, Mrs. Kathryn Tucker Windham was born in Selma and grew up in Thomasville, Clarke County, Alabama, where she attended public school; and

WHEREAS, Mrs. Windham graduated from Huntingdon College, which institution later awarded her an honorary Doctorate, and she is a former reporter for the Birmingham News-Age Herald and for the Selma Times-Journal; and

WHEREAS, Kathryn Tucker Windham is a renowned Alabama author and story teller, recognized throughout her native Southland and the entire United States for her books on regional ghosts and folklore; and

WHEREAS, as a teller of tales, Mrs. Windham has appeared in numerous states, in New York City and in Canada, captivating her audiences with stories of the supernatural which are suspenseful, frightening and hair-raising to the end; and

WHEREAS, it is further noted that Mrs. Windham participated in her native Selma's first annual Alabama Tale Tellin' Festival, spinning tales before more than a thousand in attendance, and her appearance was greatly responsible for the festival's success; now therefore,

BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES OF THE LEGISLATURE OF ALABAMA, That we hereby most highly praise and commend Alabama's own Kathryn Tucker Windham, celebrated author and story teller.

BE IT FURTHER RESOLVED, That Mrs. Windham receive a copy of this resolution, in token of our regard, and an invitation to address an informal session of this body at such time and date to be set by Speaker Jimmy Clark.

On motion of Representative Cosby, the rules were suspended and the resolution, H.R. 211, was adopted.

CERTIFICATE OF CLERK

To the House of Representatives:

I hereby certify that the House Joint Resolutions and House Bill mentioned were delivered to the Executive Department on the date and hour named and that I hold the receipt of the Executive Department for same.

Delivered to the Governor at 2:55 P.M. on May 21, 1991.

H.J.R. 121

H. 145

H.J.R. 103

GREG PAPPAS
Clerk

ADJOURNMENT

On motion of Representative White and pursuant to the resolution, H.R. 197, heretofore adopted, the House adjourned until 10:00 o'clock a.m., Thursday, May 23, 1991.

Yeas 47; Nays 31.

Yea:

Representatives Anderson, Barnes, Black (L), Black (M), Blakeney, Bowling, Bryant, Burke, Buskey (JE), Buskey (JL), Butler, Cagle, Carter, Clark (W), Clay, Crow, Cullins, Dolbare, Escott-Russell, Ford, Goodwin, Hamilton, Hammett, Harvey, Hogan, Holladay, Holmes, Kennedy, Laird, Letson, McClain, McDowell, Mikell, Millican, Morrow, Morton, Newman, Newton (D), Parker (P), Parker (T), Rogers (F), Smith (R), Spratt, Thomas, Turner, Williams and Willis.

Nay:

Representatives Beasley, Carothers, Cosby, Curry, Flowers, Gaines, Gaston, Gullatt, Harper, Haynes, Hill, Hooper, Johnson, Knight, Layson, Mathis, McMillan, Newton (C), Penry, Petelos, Poole, Powell, Rockhold, Rogers (J), Sanderson, Smith (C), Turnham, Venable, Warren, White and Zoghby.

TWELFTH DAY

**House of Representatives
Montgomery, Alabama
Thursday, May 23, 1991**

The House met pursuant to adjournment.

PRAYER

The session was opened with prayer by Reverend Paul McLendon, First Baptist Church, Greenville, Alabama.

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Hayden Hill and Melody Arledge, Shelby County High School, Columbiana, Alabama.

ROLL CALL

On a call of the roll of the House, the following members answered to their names:

Mr. Speaker, Anderson, Barnes, Beasley, Biddle, Black (L), Black (M), Blakeney, Bowling, Box, Bryant, Bugg, Burke, Buskey (JE), Buskey (JL), Butler, Cagle, Campbell, Carns, Carothers, Carter, Clark (W), Clay, Cosby, Crow, Cullins, Curry, Dolbare, Drake, Escott-Russell, Flowers, Ford, Freeman, Fuller, Gaines, Gaston, Goodwin, Grayson, Gullatt, Hall, Hamilton, Hammett, Haney, Harper, Harvey, Hawkins, Haynes, Higginbotham, Hill, Hogan, Holladay, Holley, Holmes, Hooper, Johnson, Kennedy, Knight, Kvalheim, Laird, Layson, Letson, Lindsey, Mathis, McClain, McDaniel, McDowell, McKee, McMillan, Melton, Mikell, Millican, Morrow, Morton, Newman, Newton (C), Newton (D), Parker (P), Parker (T), Payne, Penry, Perdue, Petelos, Poole, Powell, Rich, Richardson, Rockhold, Rogers (F), Rogers (J), Sanderford, Sanderson, Smith (C), Smith (R), Spratt, Starkey, Thomas, Turner, Turnham, Venable, Walker, Warren, White, Williams, Willis and Zoghby.

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A quorum was present.

REPORT OF STANDING COMMITTEE ON RULES

House of Representatives:

Your Standing Committee on Rules begs leave to report that it has carefully examined the Journal of the House for the eleventh legislative day and finds the same to be correct.

TOMMY CARTER
Chairman

On motion of Representative Carter, the reading at length of the Journal of the House for the eleventh legislative day was dispensed with, the Report of the Standing Committee on Rules was concurred in and adopted and the Journal for the eleventh legislative day was approved.

Yeas 66; Nays 15.

Yea:

Representatives Anderson, Beasley, Biddle, Blakeney, Bowling, Box, Butler, Cagle, Carns, Carothers, Carter, Cosby, Crow, Cullins, Curry, Drake, Flowers, Ford, Fuller, Gaines, Gaston, Gullatt, Hamilton, Haney, Harvey, Hawkins, Higginbotham, Hill, Hogan, Holley, Hooper, Johnson, Knight, Laird, Layson, Letson, McDaniel, McKee, McMillan, Mikell, Millican, Morrow, Morton, Newman, Newton (C), Payne, Petelos, Poole, Powell, Rich, Richardson, Rockhold, Rogers (F), Sanderford, Sanderson, Smith (C), Smith (R), Starkey, Turner, Turnham, Walker, Warren, White, Williams, Willis and Zoghby.

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Representatives Barnes, Black (L), Bryant, Buskey (JE), Buskey (JL), Clark (W), Grayson, McClain, McDowell, Newton (D), Parker (T), Perdue, Rogers (J), Spratt and Thomas.

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S. 414 REREFERRED

No objection being offered, the Speaker rereferred the bill, S. 414, from the Standing Committee on State Administration to the Standing Committee on Banking.

H. 698 REREFERRED

No objection being offered, the Speaker rereferred the bill, H. 698, from the Standing Committee on Ways and Means to the Standing Committee on Judiciary.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has concurred in and adopted the following House Joint Resolutions and returns same herewith to the House:

H.J.R. 142. URGING CONGRESS TO REJECT ANY EFFORT TO IMPOSE GOVERNMENT-MANDATED UNREALISTIC STANDARDS ON THE AUTOMOTIVE INDUSTRY.

Also:

H.J.R. 198. SETTING JOINT SESSION.

**MCDOWELL LEE
Secretary**

RECESS

On motion of Representative Ford, the House recessed.

HOUSE RECONVENED

The House reconvened. The Speaker called the House to order.

H.J.R. 90 AGAIN TAKEN UP

And the resolution:

**H.J.R. 90. CREATING A JOINT INTERIM LEGISLATIVE COMMITTEE
ON THE ENVIRONMENT.**

**and the pending committee amendment which were reported out of the Standing
Committee on Rules and temporarily carried over on the eleventh legislative day
were again taken up.**

H.J.R. 90 TEMPORARILY CARRIED OVER

**On motion of Representative Letson, the resolution, H.J.R. 90, and the
pending committee amendment were temporarily carried over.**

Yeas 70; Nays 10.

Yea:

**Representatives Anderson, Beasley, Biddle, Blakeney, Bowling, Butler,
Cagle, Carns, Carter, Cosby, Crow, Cullins, Curry, Dolbare, Drake, Flowers,
Ford, Freeman, Fuller, Gaines, Gaston, Gullatt, Hall, Hammett, Haney, Harvey,
Hawkins, Haynes, Higginbotham, Hill, Hogan, Holladay, Holley, Hooper,
Johnson, Knight, Kvalheim, Laird, Letson, Lindsey, McDaniel, McKee,
McMillan, Mikell, Millican, Morrow, Morton, Newman, Newton (C), Parker (P),
Payne, Petelos, Poole, Rich, Rockhold, Rogers (F), Sanderford, Sanderson,
Smith (C), Smith (R), Spratt, Starkey, Turner, Turnham, Venable, Walker,
Warren, White, Willis and Zoghby.**

Nay:

Representatives Barnes, Clark (W), Clay, Escott-Russell, Grayson, McClain, McDowell, Newton (D), Perdue and Rogers (J).

-10

RECESS

On motion of Representative Thomas, the House recessed.

HOUSE RECONVENED

The House reconvened. The Speaker called the House to order.

**REPORT OF THE STANDING COMMITTEE
ON RULES ON ENROLLED AND ENGROSSED BILLS**

Mr. Speaker:

Your Standing Committee on Rules begs leave to report that it has examined the following House Joint Resolutions, to-wit:

**H.J.R. 142. URGING CONGRESS TO REJECT ANY EFFORT TO IMPOSE
GOVERNMENT-MANDATED UNREALISTIC STANDARDS ON THE AUTOMO-
TIVE INDUSTRY.**

Also:

H.J.R. 198. SETTING JOINT SESSION

And finds same correctly enrolled.

TOMMY CARTER
Chairman

SIGNING OF HOUSE JOINT RESOLUTIONS

The Speaker of the House, in the presence of the House, immediately after the titles had been publicly read by the Clerk, the reading at length having been dispensed with by a two-thirds vote of a quorum present, signed the House Joint Resolutions, the titles of which are set out in the foregoing Report of the Standing Committee on Rules.

S. 96 REREFERRED

No objection being offered, the Speaker rereferred the bill, S. 96, from the

Standing Committee on Judiciary to the Standing Committee on Business and Labor.

MOTION TO RECESS LOST

The motion offered by Representative Newton (D) that the House recess until 12:45 o'clock p.m. was lost.

Yeas 22; Nays 59.

Yea:

Representatives Barnes, Black (M), Box, Buskey (JE), Buskey (JL), Clark (W), Clay, Escott-Russell, Grayson, Haynes, Holmes, Kennedy, Laird, McClain, McDowell, Melton, Newton (D), Perdue, Richardson, Rogers (J), Spratt and Thomas.

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Nay:

Representatives Anderson, Beasley, Biddle, Blakeney, Butler, Cagle, Carns, Carter, Cosby, Crow, Curry, Dolbare, Ford, Fuller, Gaines, Gaston, Gullatt, Hall, Hammett, Harvey, Hawkins, Higginbotham, Hill, Hogan, Holladay, Holley, Hooper, Johnson, Knight, Kvalheim, Layson, Mathis, McDaniel, McKee, McMillan, Mikell, Millican, Morrow, Morton, Newman, Parker (P), Payne, Petelos, Poole, Powell, Rich, Rockhold, Rogers (F), Sanderford, Sanderson, Smith (C), Turner, Turnham, Venable, Walker, Warren, White, Willis and Zoghby.

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RESOLUTION

The following resolution was introduced:

By Rules Committee:

H.R. 212. BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES; That immediately upon the adoption of this resolution, the following business, in the order set forth below, shall be the special and paramount order of business for the 12th legislative day, Thursday, May 23, 1991, taking precedence over the regular order of business, or any pending or unfinished business:

Report of standing committees

Uncontested local bills

And the following bill:

Inst Id	Page
<u>H. 337</u> - By Carns (As Substituted)	93
Abortion, prohib., exceptions, affirmative defenses for rape or incest, penalties, Human Life Protection Act, Sec. 13A-13-7 repealed	

MOTION TO ADOPT

Representative Carter offered the motion to adopt the resolution, H.R. 212.

AMENDMENT OFFERED

Representative Newton (D) offered the following amendment to the resolution, H.R. 212:

Amend H.R. 212 after line 16 by adding the following: H. 80 page 33 by House Calendar No. 10 dated May 23, 1991

SUBSTITUTE AMENDMENT OFFERED

Representative Buskey (JE) offered the following substitute amendment to the amendment offered by Representative Newton (D) to the resolution, H.R. 212:

Amend H.R. 212, line 11, by striking the words ~~or unfinished~~

Further amend H.R. 212, by adding a new line 14 to read as follows: Unfinished business and numbering remaining subsequent language appropriately.

SUBSTITUTE AMENDMENT TABLED

On motion of Representative Curry, the substitute amendment offered by Representative Buskey (JE) to the amendment offered by Representative Newton (D) to the resolution, H.R. 212, was tabled.

Yeas 69; Nays 17.

Yea:

Representatives Beasley, Biddle, Blakeney, Bowling, Burke, Butler, Cagle, Carns, Carter, Cosby, Crow, Cullins, Curry, Dolbare, Drake, Flowers, Ford, Freeman, Fuller, Gaines, Gaston, Gullatt, Hall, Hamilton, Hammett, Haney, Hawkins, Higginbotham, Hill, Hogan, Holladay, Holley, Hooper, Johnson, Knight, Kvalheim, Laird, Layson, McDaniel, McKee, McMillan, Mikell, Millican,

REGULAR SESSION
12th Day

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Morrow, Morton, Newman, Newton (C), Payne, Penry, Petelos, Poole, Powell, Rich, Richardson, Rockhold, Rogers (F), Sanderford, Sanderson, Smith (C), Smith (R), Starkey, Turner, Turnham, Venable, Walker, Warren, White, Willis and Zoghby.

-69

Nay:

Representatives Anderson, Barnes, Box, Bugg, Buskey (JE), Buskey (JL), Clark (W), Escott-Russell, Holmes, Kennedy, McClain, McDowell, Newton (D), Parker (P), Parker (T), Perdue and Rogers (J).

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SUBSTITUTE OFFERED

Representative Curry offered the following substitute to the amendment offered by Representative Newton (D) to the resolution, H.R. 212:

BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES; That immediately upon the adoption of this resolution, the following business, in the order set forth below, shall be the special and paramount order of business for the 12th legislative day, Thursday, May 23, 1991, taking precedence over the regular order of business, or any pending or unfinished business:

Report of standing committees

And the following bill:

Inst Id	Page
<u>H. 337</u> - By Carns (As Substituted)	-93
Abortion, prohib., exceptions, affirmative defenses for rape or incest, penalties, Human Life Protection Act, Sec. 13A-13-7 repealed	

MOTION IN WRITING

Representative Curry offered the following Motion in Writing:

I move the previous question.

And the Motion in Writing was adopted.

Yeas 50; Nays 33.

Yea:

Representatives Beasley, Biddle, Cagle, Carns, Carter, Cosby, Crow, Cullins, Curry, Dolbare, Drake, Gaines, Gaston, Goodwin, Gullatt, Hamilton, Haney, Hawkins, Hill, Hogan, Holladay, Hooper, Johnson, Knight, Kvalheim, Laird, Layson, McDaniel, McKee, Millican, Morton, Newman, Payne, Petelos, Poole, Powell, Rich, Richardson, Rockhold, Rogers (F), Sanderford, Sanderson, Smith (C), Smith (R), Turner, Walker, Warren, White, Willis and Zoghby.

-50

Nay:

Representatives Anderson, Barnes, Black (M), Box, Bugg, Burke, Buskey (JE), Buskey (JL), Clark (W), Clay, Escott-Russell, Grayson, Hammett, Harper, Harvey, Holmes, Kennedy, Lindsey, Mathis, McClain, McDowell, McMillan, Melton, Newton (D), Parker (P), Parker (T), Penry, Perdue, Rogers (J), Starkey, Thomas, Turnham and Venable.

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MOTION TO ADJOURN LOST

The motion offered by Representative Newton (D) that the House adjourn until 1:00 o'clock a.m., Tuesday, May 28, 1991, was lost.

H.R. 212 RESUMED

SUBSTITUTE ADOPTED

The question was then on the adoption of the substitute offered by Representative Curry to the amendment offered by Representative Newton (D) to the resolution, H.R. 212, and the substitute was adopted.

Yeas 72; Nays 24.

Yea:

Representatives Beasley, Biddle, Blakeney, Bowling, Burke, Buskey (JL), Butler, Cagle, Carns, Carter, Cosby, Crow, Cullins, Curry, Dolbare, Drake, Flowers, Ford, Freeman, Fuller, Gaines, Gaston, Gullatt, Hall, Hamilton, Hammett, Haney, Harvey, Hawkins, Higginbotham, Hill, Hogan, Holladay, Holley, Holmes, Hooper, Johnson, Knight, Kvalheim, Laird, Layson, Letson, Lindsey, McDaniel, McKee, McMillan, Mikell, Millican, Morrow, Morton, Newman, Newton (C), Payne, Petelos, Poole, Powell, Rich, Richardson, Rockhold, Rogers (F), Sanderford, Sanderson, Smith (C), Smith (R), Turner, Turnham, Venable, Walker, Warren, White, Willis and Zoghby.

-72

Nay:

Representatives Anderson, Barnes, Black (M), Box, Bugg, Buskey (JE), Clark (W), Clay, Escott-Russell, Grayson, Harper, Kennedy, Mathis, McClain, McDowell, Melton, Newton (D), Parker (P), Parker (T), Penry, Perdue, Rogers (J), Starkey and Thomas.

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RESOLUTION ADOPTED

The question was then on the adoption of the resolution, H.R. 212, as amended, and the resolution was adopted.

BILLS ON SECOND READING

Representative Harper, Chairperson of the Standing Committee on Ways and Means, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, and they were severally read a second time and placed on the Calendar, to-wit:

H. 22. To provide for extending the period for filing Alabama individual income tax returns, without interest or penalty, establishing the effective period for exempted income of military and support personnel deployed in Operation Desert Shield or Desert Storm; provide similar benefits to spouses, missing personnel and those persons hospitalized inside or outside the United States; waive tax liabilities for individuals who die as a result of Desert Storm service; provide for rulemaking authority for the Department of Revenue; and to establish an effective date.

H. 433. To establish the Impaired Drivers Trust Fund in the state treasury from funds collected for certain traffic offenses; to provide that moneys in the fund shall be administered by the Division of Rehabilitation Services of the State Department of Education to be used to provide rehabilitative services to head injured and spinal cord injured (neuro-trauma) residents of the state; and to provide for the appointment of an advisory board to establish priorities and criteria for disbursement of the moneys.

H. 697. To establish a procedure for regulating and monitoring the payment of private attorneys rendering legal services to the State of Alabama and for governing the method of their compensation.

H. 735. To amend Section 29-2-41.2 of the Code of Alabama 1975, relating to the contract review permanent legislative oversight committee, so as to provide that the term "personal and professional services" shall specifically include certain contracts for legal services.

H. 117. To amend Sections 9-13-196 and 9-13-197, Code of Alabama 1975, relating to failure to pay certain assessments on forest lands, so as to provide

further for the sale and redemption of said land and provide further for the retroactive repeal of local laws levying an acreage assessment.

H. 136. To authorize and provide the procedure for certain full-time employees of Soil and Water Conservation Districts throughout Alabama to be covered under the state employees' health insurance plan; to provide for the payment of the premiums for employees and their dependents; to provide for the termination of coverage under this act; and to require the state employees' insurance board to promulgate rules and regulations as may be required for the effective administration of the provisions of this act.

Representative Harper, Chairperson of the Standing Committee on Ways and Means, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, with substitute, and it was read a second time and placed on the Calendar, to-wit:

H. 188. (With Substitute): To create an educational program in this state called the "Telecommunications Based Educational Opportunity Program" to provide grants to local school districts, junior colleges and four-year institutions of higher education and to Alabama Public Television in order to enhance educational opportunities using telecommunications technology; to create a fund for the said program which shall be financed by a sales, use and rental tax on computer software; to provide for the administration of the program by the Commission on Telecommunications Based Education; to provide for the creation of said commission, and for its membership, meetings, responsibilities and powers; to provide for the levy, collection and distribution of the said sales, use and rental tax on computer software and provide definitions; to amend Sections 40-23-1, 40-23-60 and 40-12-220 for such purposes; to provide for the video educational programs and grants awarded pursuant to this act; and to authorize other instructional programs on a contract basis, including state employee training programs.

Representative Harper, Chairperson of the Standing Committee on Ways and Means, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, and it was read a second time and placed on the Calendar, to-wit:

H. 638. To establish the Forty-first Judicial Circuit, composed of Geneva County; to provide that the Thirty-third Judicial Circuit shall continue, composed of Dale County; to create the offices of a circuit judgeship and a district attorney for the Forty-first Judicial Circuit; to provide for the election of a circuit judge and a district attorney to fill such offices; and to provide effective dates.

Representative Harper, Chairperson of the Standing Committee on Ways and Means, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, with substitute, and it was read a second time and placed on the Calendar, to-wit:

H. 347. (With Substitute): To amend Sections 40-6-1, 40-6-3, and 40-6-4, Code of Alabama 1975, as amended, relating to the qualifications, compensation, and benefits of supernumerary tax assessors, tax collectors, revenue commissioners, license commissioners or other elected or appointed officials

charged with the assessment and/or collection of ad valorem taxes, so as to establish the minimum age of qualification; to provide for an increase in compensation; to provide further for the method of determining such compensation; to provide for future increases in such compensation; to provide for an increase in compensation of surviving spouses of such officials and for future increases in such compensation; to exempt the compensation of such officials and their surviving spouses from state income tax after 1991; and to repeal Sections 40-6-5, 40-6-7 and 40-6-8, which relate to election to participate in the tax collectors and tax assessors supernumerary program.

Representative Harper, Chairperson of the Standing Committee on Ways and Means, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, and it was read a second time and placed on the Calendar, to-wit:

H. 348. Proposing an amendment to the Constitution of Alabama of 1901, authorizing the tax assessors, tax collectors, revenue commissioners, license commissioners and other ad valorem tax officials in the various counties of this state to elect to participate in the state employees' retirement system or the county retirement system, if available; providing for an election between the state employees' retirement system and a county retirement system; prohibiting future officials taking office for the first time after the effective date of this amendment from participating in the supernumerary program provided by Title 40, Chapter 6, Code of Alabama 1975; and providing that such officials presently participating in the supernumerary program may continue therein.

The above bill was read a second time at length as required by the Constitution.

Representative Harper, Chairperson of the Standing Committee on Ways and Means, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, with substitute, and it was read a second time and placed on the Calendar, to-wit:

H. 608. (With Substitute): To amend Section 12-18-87 of the Code of Alabama 1975, relating to probate judges' retirement benefits, so as to provide further for said probate judges' retirement benefits.

Representative Harper, Chairperson of the Standing Committee on Ways and Means, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, with amendment, and it was read a second time and placed on the Calendar, to-wit:

H. 358. (With Amendment): To amend §8-17-80 so that the definition of lubricating oil is expanded to also include hydraulic oil, transmission oil, and all other types of oil of every type; to amend §8-17-87 so that lubricating oil now only reads oil; to amend §8-17-91 by changing the amount of proceeds received by the Department of Agriculture and Industries from \$175,000 per month up to \$260,000 per month.

Representative Harper, Chairperson of the Standing Committee on Ways and

Means, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, and they were severally read a second time and placed on the Calendar, to-wit:

H. 487. To amend Section 9-14-29, Code of Alabama 1975, as last amended, relating to the applicability of the provisions of Article 2 of Chapter 14 of Title 9 of the Code of Alabama 1975, so as to add an exemption for concession operations receiving gross receipts of \$100,000.00 or less annually.

H. 521. To provide the recovery of unclaimed property from certain out-of-state holders when such holders did not originate the unclaimed property and are merely intermediaries.

H. 537. To amend section 36-30-1 of the Code of Alabama 1975, relating to compensation for the death of peace officers and firemen so as to provide that the definition of peace officer shall include the alcoholic beverage control board enforcement division agents and to provide for retroactive effect.

H. 559. To propose an amendment to the Constitution of Alabama of 1901 which repeals Amendment 448 relating to budget isolation.

The above bill was read a second time at length as required by the Constitution.

H. 561. To amend Code of Alabama, 1975, Sections 41-4-82 and 41-19-7 to require that the Governor shall submit his budget proposals to the Legislature 30 days prior to the beginning of each Regular Session of the Legislature and to repeal Sections 41-4-87 and 41-4-88 of the Code of Alabama, 1975.

Representative Harper, Chairperson of the Standing Committee on Ways and Means, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, with substitute, and it was read a second time and placed on the Calendar, to-wit:

H. 596. (With Substitute): To further provide for the tax exemptions on certain ships and vessels and commercial fishing vessels of over five (5) tons load displacement and not more than fifty (50) tons load displacement as registered with the U. S. Coast Guard licensed by the State of Alabama Department of Conservation and Natural Resources; to amend sections 40-23-4, 40-23-61 and 40-23-62 of the Code of Alabama 1975, as amended, relating to exemptions from sales and use taxation, generally; excise tax on the storage, use or other consumption of certain tangible personal property and exemptions therefrom; to repeal any conflicting laws, rules or regulations.

Representative Harper, Chairperson of the Standing Committee on Ways and Means, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, and they were severally read a second time and placed on the Calendar, to-wit:

H. 611. To amend Section 36-21-8, Code of Alabama 1975, relating to certain law enforcement officers retaining their badge and pistol as part of retire-

ment benefits, to include certain law enforcement officers who are employees of the Alabama Criminal Justice Information Center.

H. 664. To amend Sections 8-6-10, 8-6-11 and 8-7-6, Code of Alabama 1975, relating to the Alabama Securities Commission, so as to provide further for funding for said commission by increasing certain commission application and investigative fees as well as earmarking certain other existing securities commission application and license fees for use by the commission; and to provide for an appropriation to the Alabama Securities Commission from monies deposited in the Alabama Securities Commission Fund.

H. 420. To amend Section 40-18-19(6), Code of Alabama 1975, relating to exemptions from state income taxes, so as to exempt all payments made to a retiree or beneficiary of a public, as well as a private, "defined benefit plan"; and to provide retroactive effect for the provisions hereof to January 1, 1991.

H. 435. To create a new district judgeship in Marshall County.

Representative Harper, Chairperson of the Standing Committee on Ways and Means, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, with substitute, and it was read a second time and placed on the Calendar, to-wit:

H. 509. (With Substitute): To amend Section 12-17-81, Code of Alabama 1975, relating to salaries of the circuit clerks of this state; to provide that the salaries of circuit clerks shall be a proportionate amount of the circuit judges' salaries as was in effect October 1, 1977; and to provide an effective date of October 1, 1992 for the provisions of this act.

Representative Harper, Chairperson of the Standing Committee on Ways and Means, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, with amendment, and it was read a second time and placed on the Calendar, to-wit:

H. 469. (With Amendment): Providing that certain members of the retirement systems of Alabama may purchase credit for certain previous service, not to exceed eight years service, rendered to a county as a county solicitor and prescribing certain conditions for purchasing such credit.

Representative Harper, Chairperson of the Standing Committee on Ways and Means, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, and it was read a second time and placed on the Calendar, to-wit:

H. 705. To exempt the sale of oxygen and durable medical equipment dispensed by participating providers under the Medicare and Medicaid programs from state and local sales, use and rental and leasing taxes.

Representative Higginbotham, Chairperson of the Standing Committee on Judiciary, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, with substitute

and amendments, and it was read a second time and placed on the Calendar, to-wit:

H. 34. (With Substitute) (With Amendments): To provide for a community corrections plan and procedure as an alternative to incarceration for eligible offenders who have been convicted of a nonviolent felony offense; to provide for local community corrections advisory boards in the judicial circuits and counties to adopt a local community corrections plan and qualify for receipt of grants and funding; to provide for the establishment of such alternative plans and program by resolution of county commissions whereby state funds may be granted to and contracted with or through local governments and qualified nonprofit, human service agencies and entities to provide planning, treatment, guidance, training or other rehabilitation services and programs; to provide for cooperation with the department of corrections; and to provide for discretion of the trial judge in sentencing and revocation of sentencing to such alternative corrections programs.

Representative Higginbotham, Chairperson of the Standing Committee on Judiciary, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, and it was read a second time and placed on the Calendar, to-wit:

H. 542. Relating to the board of pardons and paroles; to amend Section 15-22-28 of the Code of Alabama 1975, relating to paroles so as to provide that neither the commissioner of corrections nor prisoners coming before the board of pardons and paroles shall be required to furnish such board with a record of prior, temporary leave granted from prison.

Representative Higginbotham, Chairperson of the Standing Committee on Judiciary, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, with amendment, and they were severally read a second time and placed on the Calendar, to-wit:

H. 544. (With Amendment): To provide that the state administrator of the Interstate Compact for the Supervision of Parolees and Probationers shall have the authority to issue warrants for arrest of an out-of-state parolee or an out-of-state probationer when he has reason to believe that an offense or violation of parole or probation in an interstate compact case has been or is being committed; and to provide that he shall be available or on call on a 24-hour-a-day basis, seven days a week.

H. 68. (With Amendment): To amend section 12-15-1, Code of Alabama 1975, which relates to juvenile proceedings, so as to further define "delinquent act."

Representative Beasley, Chairperson of the Standing Committee on Business and Labor, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, with substitute, and it was read a second time and placed on the Calendar, to-wit:

H. 610. (With Substitute): To amend Section 25-4-72, Code of Alabama

1975, as amended, relating to unemployment compensation weekly benefit, so as to increase the maximum of such benefit.

Representative Beasley, Chairperson of the Standing Committee on Business and Labor, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, and it was read a second time and placed on the Calendar, to-wit:

H. 300. To amend Sections 34-22-1, 34-22-2, 34-22-6, 34-22-20, 34-22-23 and 34-22-42, Code of Alabama 1975, all of which relate to the regulation of practice of optometry, so as to further define the practice of optometry; to extend the objects and purposes of the chapter; to further enumerate certain unlawful acts; to provide further for examination and qualification of applicants; to provide further grounds for revocation and suspension; to provide for additional powers and duties of board; and to provide further for the practice of optometry.

Representative Carothers, Chairperson of the Standing Committee on Health, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, with substitute, and it was read a second time and placed on the Calendar, to-wit:

H. 497. (With Substitute): To authorize the State Board of Health to expend not more than \$1.5 million annually to make liability insurance premium grants to family practitioners, pediatricians and obstetricians who establish obstetrical practices in rural or underserved areas; to establish a maximum limit for the grant and authorize the State Board of Health to annually adjust such maximum limit to allow for annual premium increases; to establish criteria for eligibility; and for other purposes.

Representative Carothers, Chairperson of the Standing Committee on Health, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, and they were severally read a second time and placed on the Calendar, to-wit:

H. 704. To direct and authorize the department of conservation and natural resources, game and fish division, to enter into certain reciprocal agreements with the State of Florida so as to allow the respective states to honor any valid fishing or hunting license for Alabama or Florida, in possession of the citizens of either state, who are sixty-five years or older, to fish or hunt by the reciprocal state without further charge; to authorize the department to issue and enforce reasonable rules and regulations pursuant to any reciprocal agreement with Florida.

S. 112. To amend Section 22-14-5, Code of Alabama 1975, which provides for the members of the radiation advisory board of health, so as to include a veterinarian on the board.

S. 132. To provide for the development of a comprehensive emergency medical services system in the state and to adopt rules necessary to carry out the provisions of this act; to establish a unified emergency medical services system throughout Alabama to prevent needless loss of human life, disability, and suffering; to provide improved mechanisms for the development and implementa-

tion of plans addressing medical control and accountability for prehospital care, physician responsibility for the management of patient care including the issuance of physician orders from designated associate and resource hospitals for performance of advanced medical procedures by prehospital personnel, patient treatment and transportation requirements, professional and technical training, manpower, emergency medical communications, access to care and dispatching, coordinated patient record keeping, evaluation, public information, and mutual aid; to establish a state emergency medical control committee and a state advisory committee to assist with drafting of rules; to establish the position of state EMS medical director; to repeal sections 22-18-1 through 22-18-7, Code of Alabama 1975; and to provide penalties for violation of this act.

Representative Carothers, Chairperson of the Standing Committee on Health, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, with amendments, and it was read a second time and placed on the Calendar, to-wit:

S. 106. (With Amendments): Relating to group health insurance coverage; to provide for the Alabama Insurance Board to negotiate such insurance for all residents and their dependents of the State of Alabama who wish to acquire such insurance and to provide for the composition of said board and the powers of the board; to provide for the particulars of any insurance plan adopted by the board; to authorize the board to promulgate rules and regulations; to provide for dependent coverage; to provide for benefits of the plan; to provide that costs of the plan may be paid by a small business employer; and to make an appropriation.

Representative Carothers, Chairperson of the Standing Committee on Health, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, and it was read a second time and placed on the Calendar, to-wit:

H. 574. To amend Section 34-24-160, Code of Alabama 1975, relating to applications to practice chiropractic, so as to provide further for said applications.

Representative Zoghby, Chairperson of the Standing Committee on Banking, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, with amendment, and it was read a second time and placed on the Calendar, to-wit:

H. 652. (With Amendment): To amend Section 7-9-404 of the Code of Alabama 1975, relating to termination statements on secured interests, so as to provide further for procedures relating to such statements.

Representative Lindsey, Chairperson of the Standing Committee on Agriculture, Forestry and Natural Resources, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, and they were severally read a second time and placed on the Calendar, to-wit:

H. 522. Relating to the rights of littoral owners as to the use of the surface of lakes and ponds.

S. 44. To provide for the hunting of game and unprotected wildlife with a cross bow upon certification by a physician that a person is handicapped.

Representative Lindsey, Chairperson of the Standing Committee on Agriculture, Forestry and Natural Resources, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, with substitute, and it was read a second time and placed on the Calendar, to-wit:

H. 557. (With Substitute): Authorizing the use of crossbows to hunt deer by handicapped persons.

Representative Lindsey, Chairperson of the Standing Committee on Agriculture, Forestry and Natural Resources, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, and they were severally read a second time and placed on the Calendar, to-wit:

H. 501. To amend Section 2-6-1 which creates and establishes an agricultural center board so that the commissioner of agriculture and industries shall be chairman of the board instead of the governor appointing the chairman.

H. 672. To amend §2-25-1, Code of Alabama (1975), which defines plants, plant pests, diseases and other definitions used in Chapter 25 to redefine plant pests and noxious weeds, dealers, plants, commissioner and board; to amend §2-25-2 by substituting plant pests and noxious weeds instead of insect pests and diseases in defining the purpose of Chapter 25; to amend §2-25-3 by substituting plant pests and noxious weeds for insect pests and diseases and adding plant pests and other articles capable of harboring plant pests or noxious weeds, and also allowing the commissioner to enter into cooperative agreements with other agencies, which said section defines the duty of the commissioner in protecting the agricultural interests of the state; to amend §2-25-4, which sets out the duties of the board by substituting plant pests and noxious weeds for insect pests and diseases and deleting its authority to enter into cooperative agreements; to amend §2-25-6, which sets up fees for obtaining inspection certificates for nurserymen and nurseries by allowing the state board of agriculture and industries to set fees; to repeal §2-25-7 in its entirety; to amend §2-25-8, which provides for revocation of inspection certificates; to amend §2-25-9, which provides for tagging of nursery stock by deleting those provisions that provide for recognizing out of state tags; to amend §2-25-10 by adding plant pests and noxious weeds to articles prohibited from being introduced into the state; to amend §2-25-13 by adding that plant products entering the state in violation of this law are contraband; to amend §2-25-14 by deleting the word agent; to amend §2-25-15 by substituting the words plant pests and noxious weeds for the words plant disease and insects; to amend §2-25-16, which prohibits improper destruction of infected plant cuttings, to add the words plant pests and noxious weeds; to repeal §2-25-17 in its entirety; to provide procedures to be used when nursery stock is found to contain plant pests and noxious weeds; to amend §2-25-18, which sets up appeal procedures to be used from an order of the commissioner, to set up requirements for written notice of appeal within 10 days; to repeal §2-25-19 in its entirety; to make unlawful the sale of nursery stock that is not viable and to define viability in nursery stock; to

set up procedures for fumigation or treatment of infested plants; to amend §2-25-22, which provides penalties for violation of this Chapter by defining misdemeanor and conferring upon the commissioner the powers of a sheriff in enforcing these laws; to provide for issuance of injunctions for violations; to provide that principals are responsible for their agents' acts; to allow the commissioner to call into consultation specialists at Auburn University; to provide that persons shipping plants shall notify the commissioner if there is a violation.

H. 730. To amend Section 9-11-84, Code of Alabama 1975, as last amended, relating to the sale or transportation of certain game fish, so as to provide for the applicability of the provisions thereof to certain hybrids of certain species, to further provide for certain exceptions and to provide for the promulgation of rules and regulations allowing the certain sale of certain game fish raised or cultured in private waters.

Representative McDowell, Chairperson of the Standing Committee on Constitution and Elections, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, with amendments, and it was read a second time and placed on the Calendar, to-wit:

H. 172. (With Amendments): To amend sections 17-10-3 through 17-10-5, 17-10-7, 17-10-9 and 17-10-11, Code of Alabama 1975, relating to absentee voting, so as to provide for certain absentee ballots to be mailed; to require certain absentee voters to vote at designated places; to provide for assistance to certain absentee voters; to provide further for the number of election officials required to count absentee ballots; and to provide penalties for falsifying information under this act.

Representative McDowell, Chairperson of the Standing Committee on Constitution and Elections, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, and it was read a second time and placed on the Calendar, to-wit:

H. 694. To create a "pilot project" for the Secretary of State to establish specifications for a uniform system of electronic voting and for the electronic transfer of election totals from counties to the Secretary of State's office.

Representative Hooper, Chairperson of the Standing Committee on Commerce, Transportation and Utilities, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, with substitute, and it was read a second time and placed on the Calendar, to-wit:

H. 448. (With Substitute): To authorize the creation and incorporation of the public gas authority of Alabama as a public corporation of the state of Alabama; to authorize the authority, as sole owner in common with others, to acquire, construct, improve, equip, alter, repair, operate, and maintain projects and systems embracing the storage, acquisition, production, distribution, exploration, treatment, liquefaction, vaporization, transmission, purchase, sale, exchange or interchange of gas and to acquire, construct, and equip all property

and things necessary or convenient for the purposes of such projects and systems and the acquisition, construction, maintenance and operation thereof; to confer on the authority powers to carry out its purposes including, among others, the power of eminent domain, to provide for an election committee and the selection of representatives thereto and for the nomination and selection of members of the board of directors of the authority by the election committee; to authorize the authority and certain municipal and public corporations and others to execute contracts for the use of its projects and systems and the services thereof and for the purchase of gas therefrom and to enforce the performance thereof; to authorize the authority to issue its bonds, bond anticipation notes and notes payable from the revenues and other available funds and assets of the authority in order to provide funds sufficient to carry out any of its corporate purposes and powers; to authorize the collecting and pledging of revenues and other available funds and assets of the authority for the payment of its bonds, bond anticipation notes and notes and for the cost of operating, maintaining, and repairing its projects or systems; to authorize the execution of trust and security instruments relating to the authority's property in order to secure the payment of its bonds, bond anticipation notes and notes; to provide rights for the holders of its bonds, bond anticipation notes and notes; to provide that none of such evidences of indebtedness shall constitute a debt of the state of Alabama or of any municipal or public corporation thereof except the authority; to make such evidences of indebtedness legal investments and to exempt the same and the income therefrom and interest thereon along with the authority, its income and all property (including filings with respect thereto) from taxation; to exempt the bonds, bond anticipation notes and notes from this state's usury laws; to provide for validation of the authority's contracts and the authority's bonds and notes and the security therefor and to fix the venue and jurisdiction of actions respecting the authority; to exempt the authority from provisions of the public service commission laws, the operation of Alabama Sunset Law and from the competitive bid laws; and to provide for other matters relative to the foregoing.

Representative Hooper, Chairperson of the Standing Committee on Commerce, Transportation and Utilities, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, and they were severally read a second time and placed on the Calendar, to-wit:

H. 607. To amend Section 36-27-15.2, Code of Alabama 1975, which relates to credit for out-of-state service in the retirement systems, so as to provide further for such credit.

S. 82. To amend Sections 8-20-4, 8-20-5, 8-20-7 and 8-20-9, Code of Alabama 1975, which relate to the Motor Vehicle Franchise Act, so as to provide further for unfair and deceptive trade practices, terminations and nonrenewals of franchise relationships, and the warranty obligations to dealers.

H. 729. Relating to aviation fuel taxes; to amend Section 40-17-31 of the Code of Alabama 1975, so as to stabilize aviation fuel tax rates in order to facilitate operations, planning and project development by the Alabama Department of Aeronautics; to repeal subdivision (4) of subsection (d) of said section, the "hub operation within the state" exemption; to provide the Alabama Department of

Revenue necessary rule making authority; and to provide for an effective date.

S. 111. To provide for licensure and regulation of the home building industry; to provide for examination and issuance of licenses; to provide for the Home Builders Licensure Board; to provide for licensing fees and penalties for violations; to authorize said board to prescribe administrative rules and regulations; to provide for revocation of licenses; to prescribe appellate procedure for board decisions and to exempt certain persons and entities from this act.

Representative Butler, Chairperson of the Standing Committee on Industrial Development and Economic Growth, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, and it was read a second time and placed on the Calendar, to-wit:

S. 321. To amend Sections 4-3-41, 4-3-45, 4-3-47 and 4-3-59, Code of Alabama 1975, which relate to airport authorities, so as to provide for the reincorporation of existing airport authorities; to empower airport authorities to sell, exchange or grant options to buy or sell property; to expand the right of airport authorities to provide goods and services; to empower airport authorities to levy passenger facility charges and access fees; to expand the types of deposits or obligations in which an airport authority might invest funds; to expand the police powers of airport authorities, and to provide further for court jurisdiction; to provide that airport authorities can engage in certain financing; to enable airport authorities to assess and collect fines from any person, firm or corporation occupying or utilizing the airport or airport facilities in the event such party is the cause of fines or penalties being levied against the airport authority; and to exempt the airport authority from liability for the payment of deed recording fees and roll-back taxes.

Representative Butler, Chairperson of the Standing Committee on Industrial Development and Economic Growth, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, with substitute, and it was read a second time and placed on the Calendar, to-wit:

H. 475. (With Substitute): To amend Sections 4-3-41, 4-3-45, 4-3-47 and 4-3-59, Code of Alabama 1975, which relate to airport authorities, so as to provide for the reincorporation of existing airport authorities; to empower airport authorities to sell, exchange or grant options to buy or sell property; to expand the right of airport authorities to provide goods and services; to empower airport authorities to levy passenger facility charges and access fees; to expand the types of deposits or obligations in which an airport authority might invest funds; to expand the police powers of airport authorities, and to provide further for court jurisdiction; to provide that airport authorities can engage in certain financing; to enable airport authorities to assess and collect fines from any person, firm or corporation occupying or utilizing the airport or airport facilities in the event such party is the cause of fines or penalties being levied against the airport authority; and to exempt the airport authority from liability for the payment of deed recording fees and roll-back taxes.

Representative Bowling, Chairperson of the Standing Committee on Local

Legislation No. 1, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, and they were severally read a second time and placed on the Calendar, to-wit:

H. 576. Relating to Colbert County and particular portions thereof, to provide further for fire protection, to levy a fire protection service fee on certain owners of dwellings, to provide for certain exemptions, to provide for the collection of said fee, to provide for the distribution of funds derived from said fee to volunteer fire departments, to provide for the expending and accounting of said funds, to provide for the treatment of funds upon dissolution or abandonment of a volunteer fire department, to provide that the county shall be immune from certain liability, and to provide that the operation of the act is conditioned on approval of certain electors at an election.

H. 674. Relating to Lawrence County; providing for the county commission to reimburse the offices of the tax collector, tax assessor, revenue commissioner, license commissioner and the probate judge for any monetary loss resulting from the performance of official duties for errors or mistakes made in good faith, not to exceed a certain maximum per annum; and providing that such funds shall be payable from the general fund of the county.

H. 675. Relating to Lawrence County, to provide for the assessment and collection of an additional court charge on each district and circuit court case filed and to provide for the distribution of the proceeds of said additional charge to the historical commission.

H. 708. Relating to Pickens County; repealing Act No. 83-706, H. 857, 1983 Regular Session and Act No. 84-554, 1984 Regular Session, which provide for assessments on forest lands for fire protection.

H. 722. Relating to Lowndes County; providing further for the compensation of the county coroner and repealing Act No. 620, H. 795, 1967 Regular Session, as amended, and Act No. 515, H. 1135, 1965 Regular Session, as amended.

H. 723. Relating to Lowndes County; authorizing the county commission to levy additional sales and use taxes paralleling the state sales tax provided for in Sections 40-23-1, 40-23-2, 40-23-3 40-23-4, 40-23-60, 40-23-61, 40-23-62 and 40-23-63 of the Code of Alabama 1975, as amended, providing for the collection, distribution and use of the proceeds of such tax; providing for the enforcement of this act by the state department of revenue; and prescribing penalties and fixing punishment for violation of this act.

H. 725. Relating to Pickens County; providing that the Pickens County Commission may establish and adopt voting centers by resolution.

H. 620. Relating to Franklin County; to amend section 1 of Act No. 85-685, H. 1062, Regular Session 1985 (Acts 1985, p. 1099) relating to the disposition of revenues from fees assessed on transactions of the tax assessor; so as to provide that certain funds currently allocated for a county legislative office be deposited in the county general fund.

H. 719. Relating to Cleburne County; repealing Act No. 81-139, H. 576, 1981 Regular Session, as amended, which provides for an assessment on forest lands for fire protection.

H. 728. To amend Section 1 of Act No. 89-397, H. 673 of the 1989 Regular Session (Acts 1989, p. 776), which levied a certain tax on tobacco and tobacco products in Jackson County, so as to provide further for such tax.

H. 731. Relating to Limestone County; so as to further provide for an additional expense allowance and expiration date therefor and the coroner and deputy coroner's compensation, in the next term of office for coroner and deputy coroner and to authorize the coroner and deputy coroner to use their compensation to employ an assistant as needed.

H. 732. Relating to Limestone County; so as to further provide for an additional expense allowance and expiration date therefor and the chairman and members of the county commission compensation, in the next term of office, and to provide for retroactive effect.

SPECIAL ORDER CALENDAR

The House then proceeded with the consideration of the Special Order Calendar.

BUDGET ISOLATION RESOLUTION

On motion of Representative Carns, the Budget Isolation Resolution relating to the bill, H. 337, was adopted.

Yeas 66; Nays 24.

Yea:

Representatives Beasley, Biddle, Blakeney, Bowling, Butler, Cagle, Carns, Carothers, Cosby, Crow, Cullins, Curry, Dolbare, Flowers, Ford, Freeman, Fuller, Gaines, Gaston, Hall, Hamilton, Hammett, Haney, Harvey, Hawkins, Higginbotham, Hill, Hogan, Holladay, Holley, Hooper, Johnson, Knight, Kvalheim, Laird, Layson, McDaniel, McKee, McMillan, Mikell, Millican, Morrow, Morton, Newman, Newton (C), Payne, Penry, Petelos, Poole, Powell, Rich, Rockhold, Rogers (F), Sanderford, Sanderson, Smith (C), Smith (R), Starkey, Turner, Turnham, Venable, Walker, Warren, White, Willis and Zoghby.

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Nay:

Representatives Anderson, Barnes, Black (M), Bugg, Buskey (JE), Buskey (JL), Clark (W), Clay, Escott-Russell, Grayson, Holmes, Kennedy, Lindsey, Mathis, McClain, McDowell, Melton, Newton (D), Parker (P), Parker (T), Perdue, Rogers (J), Spratt and Thomas.

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PERMISSION GRANTED

Permission was granted for the Journal to reflect that Representatives Ford, Drake, Carter, Letson, Richardson and Goodwin intended to vote "Yea" on adoption of the Budget Isolation Resolution relating to the bill, H. 337.

And the bill:

H. 337. (With Substitute): To provide for the prohibition of abortions in the state except to save the life of the mother, or in reported cases of specified rape or incest; to provide certain affirmative defenses for rape and incest; to provide that the woman upon whom the abortion is being performed is not subject to criminal penalties; to provide otherwise criminal penalties for the crime of abortion; to provide certain reporting requirements and criminal penalties for failing to report; and to repeal Section 13A-13-7 of the Code of Alabama 1975.

was taken up.

The question was then on the adoption of the substitute reported by the Standing Committee on Health, said committee substitute being as follows:

**A BILL
TO BE ENTITLED
AN ACT**

To provide for the prohibition of abortions in the state except to save the life of the mother, or in reported cases of specified rape or incest; to provide certain affirmative defenses for rape and incest; to provide that the woman upon whom the abortion is being performed is not subject to criminal penalties; to provide otherwise criminal penalties for the crime of abortion; to provide certain reporting requirements and criminal penalties for failing to report; and to repeal Section 13A-13-7 of the Code of Alabama 1975.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

Section 1. This act may be known and shall be cited as the "Human Life Protection Act."

Section 2. For purposes of this act, the following definitions shall apply:

(1) "Abortion" means the use or prescription of any instrument, medicine, drug, or any other substance or device to intentionally terminate the pregnancy of a woman known to the defendant to be pregnant, except such use or prescription is not an abortion if done with the intent to save the life or preserve the health of an unborn child, to remove a dead unborn child, or to deliver an unborn child prematurely in order to preserve the health of both the mother and unborn child.

(2) "Pregnant" or "Pregnancy" means the female reproductive condition of having an unborn child in the mother's body.

(3) "Woman" means any female person.

(4) "Unborn Child" means the offspring of human beings from conception until birth.

(5) "Conception" means the fusion of a human spermatozoon with a human ovum.

(6) "Physician" means any person licensed to practice medicine under the laws of the state of Alabama.

Section 3. (a) A person commits the crime of abortion if he intentionally performs an abortion upon a pregnant woman, unless a physician attending the pregnant woman determines, in the exercise of his medical judgment, that the pregnant woman's life would be endangered if the unborn child were carried to term.

(b) It is an affirmative defense to this section that the defendant believed: (i) that the pregnancy was the result of rape as defined by Section 13A-6-61 or Section 13A-6-62(a)(2), Code of Alabama 1975, or was the result of incest as defined by Section 13A-13-3, Code of Alabama 1975, and (ii) that the incident of rape or incest was reported to a law enforcement agency prior to the performance of the abortion.

(c) The pregnant woman shall not be criminally liable for her participation in her own abortion.

(d) Abortion is a Class "C" felony.

Section 4. (a) A report by every physician, clinic, hospital or other facility of each abortion performed shall be made to the State Department of Health, Bureau of Vital Statistics, on forms prescribed by it. The Bureau shall create the necessary forms within sixty (60) days of the effective date of this act. Information to be included on the forms shall be: the name of the physician performing the abortion; the estimated gestation age of the unborn child at the time of the abortion; if the abortion was to save the life of the pregnant woman, then the diagnosed reason necessitating the abortion; and in the event of rape or incest, the basis of the physician's reasonable belief that the pregnancy was the result of rape or incest and that it was reported prior to the abortion to a law enforcement agency.

(b) The reported information shall be organized into statistical reports that shall be made available by the Bureau of Vital Statistics to the Legislature and for use by the Department of Health. Such statistical reports shall be available for public inspection and copying. Reports filed pursuant to Section 4. (a) shall not be deemed public record within the meaning of the Freedom of Information Act and shall remain confidential except that disclosure may be made to law enforcement officials, the Alabama State Board of Medical Examiners, and the woman upon whom the abortion was performed, or if deceased, her legal representative or next of kin.

(c) A knowing failure to submit the report required by Section 4(a) is a Class "C" misdemeanor.

Section 5. Abortions performed on both adults and minors are subject to the provisions of this act. Sections 26-21-1 through 26-21-8, Code of Alabama 1975, are not repealed by this act, but shall not displace the requirements of this act.

Section 6. All laws or parts of laws which conflict with this act are hereby repealed and Section 13A-13-7, Code of Alabama 1975, is hereby specifically repealed.

Section 7. If any provision, word, phrase or clause of this act or the application thereof to any person or circumstance shall be held invalid, such invalidity shall not affect the remaining provisions, words, phrases, clauses, or application of this act, which can be given effect without the invalid provision, word, phrase, clause, or application, and to this end the provisions, words, phrases and clauses of this act are declared to be severable.

Section 8. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

RULING OF CHAIR UPHELD

The appeal made by Representative Bugg to the Ruling of the Chair that the substitute offered by her to the committee substitute to the bill, H. 337, as amended, was not in order was lost.

Yeas 29; Nays 59.

Yea:

Representatives Anderson, Barnes, Black (M), Bugg, Burke, Buskey (JL), Clark (W), Clay, Grayson, Hall, Haney, Haynes, Holladay, Lindsey, Mathis, McClain, McDowell, McMillan, Morrow, Newton (D), Parker (P), Parker (T), Perdue, Rogers (J), Sanderford, Spratt, Thomas, Turner and Williams.

-29

Nay:

Representatives Beasley, Biddle, Blakeney, Bowling, Box, Butler, Carns, Carter, Cosby, Crow, Cullins, Curry, Dolbare, Ford, Freeman, Fuller, Gaines, Gaston, Goodwin, Hamilton, Hammett, Harvey, Hawkins, Higginbotham, Hill, Hogan, Holley, Hooper, Johnson, Knight, Kvalheim, Laird, Layson, McDaniel, McKee, Mikell, Millican, Morton, Newman, Newton (C), Payne, Petelos, Poole, Powell, Rich, Richardson, Rockhold, Rogers (F), Sanderson, Smith (C), Smith (R), Starkey, Turnham, Venable, Walker, Warren, White, Willis and Zoghby.

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MOTION IN WRITING

Representative Curry offered the following Motion in Writing:

I move the previous question.

And the Motion in Writing was adopted.

Yeas 50; Nays 45.

Yea:

Representatives Beasley, Biddle, Blakeney, Bowling, Butler, Carns, Cosby, Crow, Cullins, Curry, Dolbare, Drake, Fuller, Gaines, Goodwin, Hamilton, Hawkins, Hill, Holley, Hooper, Johnson, Knight, Laird, Layson, Letson, McDaniel, McKee, Mikell, Millican, Morton, Newman, Parker (P), Payne, Petelos, Poole, Powell, Rich, Richardson, Rockhold, Rogers (F), Sanderford, Sanderson, Smith (C), Smith (R), Turner, Walker, Warren, White, Willis and Zoghby.

-50

Nay:

Mr. Speaker, Anderson, Barnes, Black (M), Box, Bugg, Burke, Buskey (JE), Buskey (JL), Cagle, Carothers, Carter, Clark (W), Clay, Escott-Russell, Flowers, Ford, Freeman, Gaston, Grayson, Hammett, Haney, Harvey, Haynes, Higginbotham, Hogan, Holladay, Kennedy, Kvalheim, Lindsey, Mathis, McClain, McDowell, McMillan, Morrow, Newton (C), Newton (D), Penry, Perdue, Rogers (J), Spratt, Thomas, Turnham, Venable and Williams.

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SUBSTITUTE ADOPTED

The question was then on the adoption of the substitute reported by the Standing Committee on Health, and the committee substitute was adopted.

Yeas 73; Nays 25.

Yea:

Representatives Beasley, Biddle, Blakeney, Bowling, Box, Burke, Butler, Cagle, Carns, Carothers, Carter, Cosby, Crow, Cullins, Curry, Dolbare, Drake, Flowers, Ford, Freeman, Fuller, Gaines, Gaston, Goodwin, Hall, Hamilton, Hammett, Haney, Harvey, Hawkins, Haynes, Higginbotham, Hill, Hogan, Holley, Hooper, Johnson, Knight, Kvalheim, Laird, Layson, Letson, McDaniel, McDowell, McKee, McMillan, Mikell, Millican, Morrow, Morton, Newman, Payne, Penry, Petelos, Poole, Powell, Rich, Richardson, Rockhold, Rogers (F), Sanderford, Sanderson, Smith (C), Smith (R), Starkey, Turner, Turnham, Venable, Walker, Warren, White, Willis and Zoghby.

-73

Nay:

Representatives Anderson, Barnes, Black (M), Bugg, Buskey (JE), Buskey (JL), Clark (W), Clay, Escott-Russell, Grayson, Harper, Holladay, Holmes, Kennedy, Mathis, McClain, Newton (C), Newton (D), Parker (P), Parker (T), Perdue, Rogers (J), Spratt, Thomas and Williams.

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And the bill, H. 337, as amended, was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 70; Nays 30.

Yea:

Representatives Beasley, Biddle, Blakeney, Bowling, Box, Burke, Butler, Cagle, Carns, Carothers, Carter, Cosby, Crow, Cullins, Curry, Dolbare, Drake, Flowers, Ford, Freeman, Fuller, Gaines, Gaston, Goodwin, Hall, Hamilton, Hammett, Haney, Harvey, Hawkins, Higginbotham, Hill, Hogan, Holley, Hooper, Johnson, Knight, Kvalheim, Laird, Layson, Letson, McDaniel, McKee, McMillan, Mikell, Millican, Morrow, Morton, Newman, Payne, Penry, Petelos, Poole, Powell, Rich, Richardson, Rockhold, Sanderford, Sanderson, Smith (C), Smith (R), Starkey, Turner, Turnham, Venable, Walker, Warren, White, Willis and Zoghby.

-70

Nay:

Mr. Speaker, Anderson, Barnes, Black (M), Bugg, Buskey (JE), Buskey (JL), Campbell, Clark (W), Clay, Escott-Russell, Grayson, Harper, Haynes, Holladay, Holmes, Kennedy, Lindsey, Mathis, McClain, McDowell, Newton (C), Newton (D), Parker (P), Parker (T), Perdue, Rogers (J), Spratt, Thomas and Williams.

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MOTION TO RECONSIDER OFFERED

Having voted on the prevailing side, Representative Carothers offered the motion to reconsider the vote by which the bill, H. 337, was passed.

MOTION TO RECONSIDER TABLED

On motion of Representative Buskey (JE), the motion offered by Representative Carothers to reconsider the vote by which the bill, H. 337, was passed was tabled.

Yeas 78; Nays 21.

Yea:

Representatives Beasley, Biddle, Bowling, Bugg, Burke, Buskey (JE), Buskey (JL), Butler, Cagle, Carns, Carter, Clark (W), Cosby, Crow, Cullins, Curry, Dolbare, Drake, Escott-Russell, Flowers, Ford, Freeman, Fuller, Gaines, Gaston, Goodwin, Grayson, Hall, Hamilton, Hammett, Harvey, Hawkins, Haynes, Hill, Hogan, Holley, Holmes, Hooper, Johnson, Kennedy, Knight, Kvalheim, Laird, Layson, Letson, McClain, McDaniel, McDowell, McKee, McMillan, Mikell, Millican, Morrow, Morton, Newman, Newton (D), Payne, Perdue, Petelos, Poole, Powell, Rich, Rogers (F), Rogers (J), Sanderson, Smith (C), Smith (R), Spratt, Starkey, Thomas, Turner, Venable, Walker, Warren, White, Williams, Willis and Zoghby.

-78

Nay:

Mr. Speaker, Anderson, Barnes, Black (M), Blakeney, Box, Carothers, Clay, Haney, Harper, Higginbotham, Holladay, Lindsey, Mathis, Newton (C), Parker (P), Penry, Richardson, Rockhold, Sanderford and Turnham.

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MOTION TO ADJOURN LOST

The motion offered by Representative Buskey (JE) that the House adjourn until 1:00 o'clock p.m., Tuesday, May 28, 1991, was lost.

MOTION TO RECESS LOST

The motion offered by Representative Holley that the House recess until 5:25 o'clock p.m. was lost.

Yeas 33; Nays 59.

Yea:

Representatives Anderson, Beasley, Burke, Cagle, Carothers, Crow, Cullins, Dolbare, Freeman, Fuller, Gaston, Hall, Hamilton, Harper, Hill, Hogan, Holley, Johnson, Knight, Kvalheim, Laird, McDaniel, McMillan, Mikell, Morrow, Newton (C), Poole, Richardson, Sanderford, Turnham, Venable, Williams and Willis.

-33

Nay:

Mr. Speaker, Barnes, Biddle, Black (M), Bowling, Box, Bugg, Buskey (JE), Buskey (JL), Carns, Carter, Clay, Cosby, Curry, Drake, Escott-Russell, Ford, Gaines, Goodwin, Grayson, Hammett, Haney, Harvey, Hawkins, Haynes, Higginbotham, Holladay, Holmes, Hooper, Kennedy, Layson, Letson, Lindsey,

Mathis, McClain, McDowell, McKee, Morton, Newman, Newton (D), Parker (P), Payne, Penry, Petelos, Powell, Rich, Rockhold, Rogers (J), Sanderson, Smith (C), Smith (R), Spratt, Starkey, Thomas, Turner, Walker, Warren, White and Zoghby.

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RESOLUTIONS

The following resolutions were introduced:

By Representative Carter:

H.R. 213. RELATIVE TO MEETING DAYS

BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES, That when we adjourn today, Thursday, May 23, 1991, we adjourn to meet again on Tuesday, May 28, 1991, at 1:00 p.m.

On motion of Representative Carter, the rules were suspended and the resolution, H.R. 213, was adopted.

Also:

By Representative Carter:

H.J.R. 214. RELATIVE TO MEETING DAYS

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That when the two houses adjourn today, Thursday, May 23, 1991, they adjourn to meet again on Tuesday, May 28, 1991.

On motion of Representative Carter, the rules were suspended and the resolution, H.J.R. 214, was adopted.

H.J.R. 90 AGAIN TAKEN UP

The question was then on the adoption of the amendment reported by the Standing Committee on Rules, said committee amendment being as follows:

Amend House Joint Resolution 90, on Page 2, Line 3 and Line 4, by striking after the words "not exceed \$5,000.00." the following language: ~~The committee shall have subpoena power.~~

AMENDMENT ADOPTED

And the amendment was adopted.

RESOLUTION ADOPTED

On motion of Representative Letson, the resolution, H.J.R. 90, as amended, was adopted.

RESOLUTIONS

The following resolutions were introduced:

By Representatives McClain and Rogers (J):

H.J.R. 215. HONORING JERRY D. AND GLADYS COLEMAN OF FAIRFIELD, ALABAMA, FOR DISTINGUISHED SERVICE TO EDUCATION AND TO THE COMMUNITY.

WHEREAS, the Alabama Legislature notes with highest commendation and esteem the numerous and notable accomplishments of Jerry D. and Gladys Coleman of Fairfield, Alabama, in service to their profession and to the community in areas of civic, religious and political concern; and

WHEREAS, both Mr. and Mrs. Coleman, prior to retirement, were numbered among Alabama's most prominent and dedicated educators whose longtime careers were a credit to their profession; and

WHEREAS, their guidance and astute leadership also impacted greatly, and to the good, upon countless young students whose lives they touched through instruction, counsel and friendship; and

WHEREAS, in addition, however, to their career responsibilities, they have been equally as dedicated in service to the community; both Jerry Coleman, a longtime Fairfield City Councilman, and Mrs. Coleman have actively participated in the civic, religious and political affairs of Fairfield, and these activities, as well as other endeavors, have continued in their retirement from professional life; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That in recognition of their outstanding career accomplishments and contributions to the teaching profession and to community affairs, we hereby most highly commend Jerry D. and Gladys Coleman, to whom a copy of this resolution of sincere praise and esteem shall be presented.

On motion of Representative McClain, the rules were suspended and the resolution, H.J.R. 215, was adopted.

Also:

By Representative Harvey:

H.J.R. 216. CREATING A JOINT INTERIM LEGISLATIVE COMMITTEE TO STUDY PRICE FIXING AND GOUGING BY OIL JOBBERS.

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That there is hereby created a joint interim legislative committee to study possible price fixing by oil jobbers. The committee shall be composed of three members of each house, to be appointed by the presiding officer of each house. The chairman and vice chairman of the committee shall be elected at the first meeting by the members of the committee. The committee shall study all facets of possible price fixing and price gouging of the general public by oil jobbers.

Upon the request of the chairman, the Secretary of the Senate and the Clerk of the House shall provide such clerical assistance as may be necessary for the committee's work. The committee shall report its findings, conclusions and recommendations to the legislature not later than the fifth legislative day of the 1992 Regular Session. Each member of the committee shall be entitled to his regular legislative compensation, his per diem and travel expenses for each day he attends a meeting of the committee which shall be paid out of any funds appropriated to the use of the legislature, upon warrants drawn on the state comptroller upon requisitions signed by the committee's chairman; provided, however, that members shall not receive additional legislative compensation or per diem when the legislature is in session or if a member is being paid any other payments on the same dates for attendance of other state business. The total expenditures of the committee shall not exceed \$2,500.00. The committee shall have subpoena power.

On motion of Representative Harvey, the rules were suspended and the resolution, H.J.R. 216, was adopted.

Also:

The following resolution was introduced and distributed according to Joint Rule 11:

By Representative Dolbare:

H.R. 217. COMMENDING MISS GERALDINE SHEHAN FOR OUTSTANDING SERVICE TO THE CLARKE COUNTY BOARD OF EDUCATION.

Also:

The following resolutions were introduced:

By Representatives Williams and Penry:

H.J.R. 218. COMMENDING JIMMY JUNKINS OF GULF SHORES, ALABAMA, FOR OUTSTANDING PROFESSIONAL ACHIEVEMENT.

WHEREAS, in consensus of commendation, the Legislature of Alabama most heartily congratulates Jimmy Junkins of Gulf Shores, Alabama, who has been recognized by the Baldwin County Association of Realtors as the county's top real estate salesman with more than 6 1/2 million dollars in sales for 1990; and

WHEREAS, Mr. Junkins, whose sales' total far exceeded that of any other single realtor in Baldwin County, is indeed an exceptional agent whose achievement reflects his solid background in sales, his willingness to work many long hours on the job, and his ability to create opportunities for success; and

WHEREAS, a native of Gadsden, Alabama, Mr. Junkins moved to Gulf Shores in 1985 and, in great foresight, realized the outstanding growth potential of South Baldwin County, despite the area's depressed economy following a five-year building boom; and

WHEREAS, in view of his success of the past several years, it is anticipated that Mr. Junkins' enthusiastic attitude and unfailing optimism will result in many more years of professional achievement, and that he will continue to play an important role in the growth and progress of the Gulf Shores area; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That in recognition of outstanding professional achievement and as Baldwin County's top real estate salesman for 1990, we hereby most highly commend Jimmy Junkins of Gulf Shores, Alabama, for whom a copy of this resolution of sincere regard shall be provided.

On motion of Representative Williams, the rules were suspended and the resolution, H.J.R. 218, was adopted.

Also:

By Representative Cosby:

H.J.R. 219. COMMENDING LEE INGRAM AND LESLIE NELSON FOR OUTSTANDING HEROISM.

WHEREAS, it is the desire of the Alabama Legislature to herein pay tribute to the courage of two young residents of Selma, Alabama, whose heroic actions have been credited with saving the lives of Mable Clair and Minnie Kay Smith, who were trapped in their home by a fire resulting from the explosion of a fuse box during a sudden and violent thunderstorm; and

WHEREAS, Leslie Nelson and Lee Ingram, junior classmates at Morgan Academy, were driving past the home when they noticed smoke billowing from the attached carport and utility room; stopping immediately to investigate the cause of the smoke, they ran first in search of a hose to extinguish the flames; and

WHEREAS, upon realizing that the elderly sisters were inside, the boys helped them from the house, got them into their car, and backed clear of the carport just moments before the entire area was engulfed in flames; and

WHEREAS, both Lee Ingram and Leslie Nelson, throughout the sequence of events, were in clear and imminent danger of grave personal injury and/or the loss of their lives but, in great courage, equanimity and maturity beyond their years, they never once considered abandoning the Misses Smith, who were unable to move swiftly or run due to infirmities of age, and the further dependence of

Miss Minnie Kay Smith upon a walker when moving about; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we hereby commend Leslie Nelson and Lee Ingram of Selma, Alabama, who have distinguished themselves through valor at the risk of their lives, and do further direct that they each receive a copy of this resolution, executed in highest admiration and esteem.

On motion of Representative Cosby, the rules were suspended and the resolution, H.J.R. 219, was adopted.

Also:

By Representative Cosby:

H.J.R. 220. COMMENDING MELVIN E. SUMMERLIN OF SELMA, ALABAMA, ON HIS DISTINGUISHED LAW ENFORCEMENT CAREER.

WHEREAS, it is with highest commendation and esteem that the Legislature of Alabama notes the distinguished career of Melvin E. Summerlin as a member of the Selma Police Department from 1952-1991; and

WHEREAS, Melvin Summerlin joined the Selma Police Department as a beat officer on July 5, 1952, thereby beginning an outstanding tenure that was to span nearly four decades until his retirement, effective June 1, 1991; and

WHEREAS, Melvin Summerlin, who was promoted to sergeant October 27, 1966, thereafter rose rapidly through the ranks to lieutenant on March 1, 1973, to captain on June 16, 1977, and to Chief of Police on July 16, 1982; and

WHEREAS, for the past nine years, Chief Summerlin has provided the department with outstanding leadership and, in the discharge of the duties and responsibilities of the office, has worked diligently to safeguard the lives and property of the citizens of Selma; and

WHEREAS, Chief M. E. Summerlin is indeed one of Alabama's most prominent law enforcement officials, and one who has served long and well in his charge to defend the peace and uphold the law to the good and well-being of the public; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That in recognition of distinguished service as an officer and Chief of Police for the City of Selma, Alabama, 1952-1991, we hereby commend Melvin E. Summerlin, and do further direct that he receive a copy of this resolution, executed in highest regard and best wishes for every future success and happiness in life.

On motion of Representative Cosby, the rules were suspended and the resolution, H.J.R. 220, was adopted.

Also:

By Representatives Butler, Freeman, Hall, Sanderford, Grayson and Haney:

H.J.R. 221. COMMENDING SHIRLEY M. PAUL FOR DISTINGUISHED SERVICE TO THE UNIVERSITY OF ALABAMA IN HUNTSVILLE AND TO THE HUNTSVILLE COMMUNITY.

WHEREAS, the Legislature of Alabama notes with sincere praise and esteem the invaluable service rendered by Shirley M. Paul to the University of Alabama in Huntsville from February 2, 1982, until retirement on March 15, 1991; and

WHEREAS, Mrs. Paul, who began her employment with UAH as a secretary in the Chemistry Department, soon transferred to the Office of Governmental Relations where she worked with two former directors, as well as the current director of the office; and

WHEREAS, throughout her distinguished tenure with the Governmental Relations Office, Mrs. Paul worked with great diligence and efficiency; her contributions to the effectiveness of the office were both numerous and varied, and her widespread reputation as a courteous and knowledgeable research source was evidenced in the respect and regard in which she was held by UAH students, governmental officials at all levels, and by her many co-workers and peers; and

WHEREAS, Mrs. Paul's many achievements and significant contributions have been recognized by letters of commendation from U. S. Congressmen, the State Legislature, leaders within the industrial and educational communities, and she further has been lauded for her instrumental role in producing the Task Force Report to the President "On the Frontier of Space Education, Research and Service"; her input to the team effort to have UAH designated by NASA as a Space Grant College; and her supportive efforts in the acquisition of the UAH Aerophysics Propulsion Research Facility from General Motors Corporation; and

WHEREAS, she additionally worked long and hard for the UAH Alumni Association and its major activities, and otherwise provided volunteer support of numerous other university and community programs and affairs; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we hereby most highly commend Shirley M. Paul for distinguished service to the University of Alabama in Huntsville and to the Huntsville community, and do further direct that she receive a copy of this resolution of sincere regard and with best wishes for every future success and happiness in life.

On motion of Representative Butler, the rules were suspended and the resolution, H.J.R. 221, was adopted.

Also:

By Representatives McKee, Freeman and Dolbare:

H.J.R. 222. DESIGNATING "SCHOOL SUPPORT PERSONNEL WEEK" IN ALABAMA.

WHEREAS, thousands of education support personnel are employed by the various city and county boards of education in the State of Alabama; and

WHEREAS, these employees perform such necessary duties as those of school bus drivers, clerical and secretarial workers, custodians, lunchroom workers, teachers' aides, maintenance and mechanical employees, and school crossing and security guards; and

WHEREAS, the services provided by these employees are vital to the health, safety and well-being of all students in the public schools of Alabama; and

WHEREAS, the support personnel in our school systems are loyal and dedicated employees who go beyond the call of duty in the proficient and professional discharge of their responsibilities, and are thereby deserving of appropriate and public recognition; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we hereby designate March 16-20, 1992, and each third week in March annually thereafter, as "School Support Personnel Week" in Alabama, and do further urge that citizens statewide promote and support this annual recognition of said dedicated employees who so greatly contribute to the good of Alabama's educational community.

On motion of Representative McKee, the rules were suspended and the resolution, H.J.R. 222, was adopted.

PERMISSION GRANTED

Permission was granted for the Journal to reflect that upon an inquiry by Representative Payne, the Clerk confirmed that the bill, H. 337, as amended, was the same bill that was reported out of the Standing Committee on Health.

INTRODUCTION OF BILLS

Upon a call of Districts, bills were introduced, severally read one time and referred to appropriate standing committees as follows:

By Representative Millican (With Notice and Proof):

H. 747. Relating to Winston County; levying additional costs and charges of court; providing said additional costs and charges of court shall be expended for the cost of constructing, financing, planning, equipping and operating a new judicial building and jail; providing that the provisions of this act shall only become operative if approved by a majority of electors at a referendum; and to provide for the manner of conducting said referendum.

I HEREBY CERTIFY THAT THE NOTICE & PROOF IS ATTACHED TO THE BILL, H. 747, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

GREG PAPPAS, CLERK

By Representatives Morton, Drake, Campbell, Butler, Powell, Parker (T), Ford, Payne, Biddle, Haynes, Morrow, Hawkins, Letson, Black (M), Anderson, Newman, Millican, Petelos, Rogers (F), Rich, Smith (R), Haney, Rogers (J), McClain, Barnes, Carns, McDaniel, Sanderford, Dolbare, Layson, Cosby, Curry, Bugg, McMillan, Cullins, Buskey (JE), Gaston, Johnson, Beasley, Mathis, Bowling, Harvey, Buskey (JL), Turnham, Penry, McKee, Hooper, Kvalheim, Laird, Williams, Harper, Parker (P), Freeman, and Hill:

H. 748. To prohibit the Library Enhancement Fund in the education appropriations from receiving less than 70 percent of its appropriation in any fiscal year in which proration is declared.

COMMITTEE ON WAYS AND MEANS

By Representative Haynes:

H. 749. To amend Sections 11-98-1, 11-98-2, 11-98-4, 11-98-5 and 11-98-6, Code of Alabama 1975, relating to emergency telephone service, so as to provide further for procedures relating to the creation of communications districts; to prescribe the corporate structure and organization of such districts, including their corporate powers; and to provide that such districts may receive certain property and make certain expenditures.

COMMITTEE ON STATE ADMINISTRATION

By Representatives Haynes, McKee, Hooper, Payne, Barnes, Beasley, Rich, Laird, Cosby, White, and Starkey:

H. 750. To provide for counselling and therapy for sworn law enforcement officers in the State of Alabama who suffer from stress of any nature as a result of any work-related trauma to an extent that it interferes with their ability to effectively carry out their duties and to provide that such counselling and therapy be made available under the terms of the mental health and substance abuse services contracts between the Alabama Department of Mental Health and Mental Retardation and community programs to the extent that public funds may be made available for such services.

COMMITTEE ON HEALTH

By Representatives Powell and Smith (C) (With Notice and Proof):

H. 751. Relating to Chilton County; authorizing the county commission to levy in such county of an additional privilege or license tax, paralleling the state sales tax provided for in Article 1 of Chapter 23 of Title 40 of the Code of Alabama 1975; providing for the collection of such tax by the state department of

revenue, and for the distribution and use of the proceeds thereof; providing for the enforcement of the act; providing penalties for violations of the act and providing for an election with respect to such tax.

COMMITTEE ON LOCAL LEGISLATION NO. 1

I HEREBY CERTIFY THAT THE NOTICE & PROOF IS ATTACHED TO THE BILL, H. 751, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

GREG PAPPAS, CLERK

By Representative Flowers:

H. 752. To amend section 22-30B-2, Code of Alabama 1975, relating to fees paid by operators of commercial sites for the disposal of hazardous wastes or substances; so as to extend the time period in which exempted businesses may petition the department of revenue to qualify for such exempted status; to provide that the provisions of this amendatory act shall be retroactively effective to July 15, 1990; and to provide certain taxpayer relief concerning such exemption.

**COMMITTEE ON COMMERCE,
TRANSPORTATION AND UTILITIES**

By Representative Cosby:

H. 753. Relating to the issuance of permits by the board of dental examiners to administer general anesthesia pursuant to chapter 9, Title 34, Code of Alabama 1975; to amend Sections 34-9-63 and 34-9-64, Code of Alabama 1975, so as to provide further for the requirements and privileges of the issuance of such permits and for the practice of parenteral sedation on and after August 1, 1991.

COMMITTEE ON HEALTH

By Representative Dolbare (With Notice and Proof):

H. 754. Relating to Washington County; providing further for an expense allowance for members of the County Commission.

COMMITTEE ON LOCAL LEGISLATION NO. 1

I HEREBY CERTIFY THAT THE NOTICE & PROOF IS ATTACHED TO THE BILL, H. 754, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

GREG PAPPAS, CLERK

By Representatives Rich and McDaniel (With Notice and Proof):

H. 755. Relating to Marshall County, amending Act No. 82-206, H. 623, 1982 Regular Session, which establishes a civil service system for county

employees, so as to remove certain employees from the provisions of the act.

COMMITTEE ON LOCAL LEGISLATION NO. 1

I HEREBY CERTIFY THAT THE NOTICE & PROOF IS ATTACHED TO THE BILL, H. 755, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

GREG PAPPAS, CLERK

By Representative Letson:

H. 756. To transfer Bay Field and Danville Field located in Lawrence County from the authority, management and control of the Alabama Aeronautics Commission to the Lawrence County Industrial Development Board-George C. Wallace Airport Authority.

COMMITTEE ON COMMERCE,
TRANSPORTATION AND UTILITIES

By Representative Turner:

H. 757. To amend sections 36-25-1, 36-25-2, 36-25-4, 36-25-5, 36-25-6, 36-25-7, 36-25-10, 36-25-12, 36-25-13, 36-25-15, 36-25-18 and 36-25-27, Code of Alabama 1975, relating to the ethics law, so as to add certain definitions and redefine others; to change reference to elected officials and government employees to public officials and public employees to be consistent throughout the ethics law; to permit the Alabama ethics commission to investigate on its own initiative; to grant subpoena power to the commission; to permit the commission to employ a full-time attorney with statewide prosecutorial powers; to remove the prohibition against investigating anonymous complaints with certain safeguards; to add additional standards of conduct; to prohibit legislators from representing the state, county or municipalities or instrumentalities thereof in their districts; to prohibit representation of clients for a fee before quasi-judicial boards or commissions, governmental regulatory agencies or executive departments or agencies by public officials and public employees, family members or businesses thereof; to prohibit regulatory officials and employees and families thereof from accepting anything of value; to prohibit former state officials and employees from serving for fees as lobbyists or before agencies where they have previously served for two years after departure; to provide for removal of names of candidates from ballots; to provide for annual registration of lobbyists as well as an annual registration fee; to authorize the commission to assess a civil penalty for failure to file a correct, timely statement of economic interests; and to provide further for the statute of limitations for violations.

COMMITTEE ON CONSTITUTION AND
ELECTIONS

By Representative Petelos:

H. 758. To amend Section 15-22-28 of the Code of Alabama 1975, so as to

prohibit the granting of a parole to any prisoner convicted of a Class A felony, which resulted in physical injury to any person, except by a unanimous affirmative vote of the board of pardons and paroles; and to make a correction to said section.

COMMITTEE ON JUDICIARY

By Representatives Kvalheim, Gaston, Parker (T), Buskey (JE), White, McMillan, and Penry:

H. 759. To amend Sections 9-4-11 and 9-4-12, Code of Alabama 1975, so as to provide the state geological survey with the authority to enter into agreements with the United States geological survey and other federal agencies in the execution of cooperative geologic surveys, including oil and gas assessments, of the State of Alabama.

COMMITTEE ON OIL AND GAS

By Representatives Curry, Drake, Petelos, Sanderson, Gaines, White, Warren, McClain, Newton (D), Black (M), Box, Campbell, Barnes, Buskey (JE), Richardson, Haney, Millican, Rogers (F), Anderson, Black (I.), McDowell, Johnson, Buskey (JL), Knight, Morton, Sanderford, Smith (R), Morrow, Carns, Fuller, Turnham, Flowers, Rogers (J), Parker (T), Powell, Hooper, Spratt, Clark (J), Gullatt, Beasley, Layson, Newton (C), Mathis, Haynes, Clay, Freeman, Hill, Smith (C), Newman, Melton, Letson, Perdue, and Escott-Russell:

H. 760. To amend Section 15-22-54 of the Code of Alabama 1975, relating to arrest and disposition of person violating terms of probation so as to allow the execution of a sentence be maintained, amended or revoked; and to provide that the court may modify the imprisonment period originally pronounced.

COMMITTEE ON JUDICIARY

By Representative Petelos:

H. 761. To amend Ala. Code §26-14-1 (1) (1975) to provide that the definition of abuse shall apply to Ala. Code §26-15-3; to amend Ala. Code §26-15-3 to provide that abuse shall be defined by Ala. Code §26-14-1 (1); to provide for severability and an effective date.

COMMITTEE ON JUDICIARY

By Representative Lindsey:

H. 762. To provide for a supplemental appropriation of One Hundred Thousand Dollars (\$100,000.00) to the Alabama Department of Conservation and Natural Resources for matching funding or cooperative funding for the federal-state animal damage control program in Alabama.

COMMITTEE ON WAYS AND MEANS

By Representatives Butler, Freeman, Burke, Carter, Starkey, Grayson, Haney, Sanderford, and Hall:

H. 763. To amend section 31-5-3 of the Code of Alabama 1975, which established the State Board of Veterans' Affairs, so as to add to the board a representative of the Military Order of the Purple Heart.

COMMITTEE ON MILITARY AFFAIRS

By Representatives Sanderford, Haney, Butler, and Hall (With Notice and Proof):

H. 764. Relating to Madison County; to amend Section 1 of Act No. 80-277, H. 117, 1980 Regular Session, as amended, which provides for the distribution of TVA payments, so as to provide further for such distribution.

COMMITTEE ON LOCAL LEGISLATION NO. 4

I HEREBY CERTIFY THAT THE NOTICE & PROOF IS ATTACHED TO THE BILL, H. 764, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

GREG PAPPAS, CLERK

By Representatives McClain, Petelos, Newton (D), Rogers (J), Barnes, and McDowell (With Notice and Proof):

H. 765. Relating to Jefferson County, to provide for the election procedures of the members of the city of Fairfield city council, by single-member districts and one at-large member in addition to the mayor; to further provide for the residency qualifications for such councilmen and the manner of filling a vacancy; to require certification of any ordinance together with a map or plat of the district boundaries and the filing of such documents by the city clerk in the office of the judge of probate; to provide for the organization of the city council and the powers to be vested therein and/or to be exercised by such council; and to repeal conflicting laws.

COMMITTEE ON LOCAL LEGISLATION NO. 2

I HEREBY CERTIFY THAT THE NOTICE & PROOF IS ATTACHED TO THE BILL, H. 765, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

GREG PAPPAS, CLERK

By Representatives Rogers (J), McClain, Barnes, and Perdue:

H. 766. To regulate the state's right to interfere with the decision of a woman to terminate a pregnancy; to authorize the Health Department to adopt certain regulations; to provide that in certain instances a physician shall not be liable for civil damages or criminal penalty for a decision to perform an abortion

pursuant to the provisions of this act; and to specify certain statutes shall remain in full force and effect.

COMMITTEE ON JUDICIARY

By Representative Bugg (With Notice and Proof):

H. 767. Relating to the zoning and locating of certain businesses in Etowah County; to authorize the county commission to draw zoning districts and further regulate certain poultry operations or hatchery, hog parlors or swine operations or livestock operations whether by individual or commercial enterprise, so as to further provide for the safety, health and welfare of the citizens; providing for the powers, functions and procedures for the commission; to require notice and public hearing, and civil remedies of aggrieved parties; to authorize the commission to enforce the provisions of this act by resolution, ordinance, rules and regulations in writing with appropriate care for due process; to provide that this act shall be construed together with any general or local laws which empower the Etowah County Commission to regulate zoning, nuisances, and which provide for the health, safety and welfare of its citizens, except to the extent there is a conflict with this act; to make exceptions and to repeal conflicting laws.

COMMITTEE ON LOCAL LEGISLATION NO. 1

I HEREBY CERTIFY THAT THE NOTICE & PROOF IS ATTACHED TO THE BILL, H. 767, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

GREG PAPPAS, CLERK

By Representative Bugg:

H. 768. To guarantee that future Alabama classroom teachers are competent in oral and written standard English by providing for an evaluating committee to determine language competency of students entering teacher education programs.

COMMITTEE ON EDUCATION

By Representative Rogers (J) (With Notice and Proof):

H. 769. To open the General Retirement System for Employees of Jefferson County for certain active and contributing members of the system to claim and purchase certain membership time for time served in the United States military service; to provide that the act shall take effect October 1, 1991; and to provide for its termination on October 1, 1992.

COMMITTEE ON LOCAL LEGISLATION NO. 2

I HEREBY CERTIFY THAT THE NOTICE & PROOF IS ATTACHED TO THE BILL, H. 769, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

GREG PAPPAS, CLERK

By Representative Rogers (J) (With Notice and Proof):

H. 770. Relating to Jefferson County; providing that certain duties of the county commission shall be assigned and performed on a rotating basis by those members of the commission other than the president and providing that certain members of the legislature shall prescribe procedures for rotating such duties among the commissioners.

COMMITTEE ON LOCAL LEGISLATION NO. 2

I HEREBY CERTIFY THAT THE NOTICE & PROOF IS ATTACHED TO THE BILL, H. 770, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

GREG PAPPAS, CLERK

By Representative Rogers (J) (With Notice and Proof):

H. 771. To open the Retirement and Relief System for Officers and Employees of the City of Birmingham for certain active and contributing members of the system to claim and purchase certain membership time for time served in the United States military service; to provide that the act shall take effect October 1, 1991; and to provide for its termination on October 1, 1992.

COMMITTEE ON LOCAL LEGISLATION NO. 2

I HEREBY CERTIFY THAT THE NOTICE & PROOF IS ATTACHED TO THE BILL, H. 771, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

GREG PAPPAS, CLERK

By Representative Rogers (J) (With Notice and Proof):

H. 772. Relating to Jefferson County; to further amend Section 22 of Act No. 248, H. 580, of the Regular Session of the Legislature of Alabama of 1945, (General Acts of the Legislature of Alabama of 1945, pp. 376-400), as amended, establishing a county-wide civil service system, so as to provide for additional time for appointed hearing officers to submit finding of fact and law to the personnel board and for the personnel board so to act on such findings, and to provide for related matters.

COMMITTEE ON LOCAL LEGISLATION NO. 2

I HEREBY CERTIFY THAT THE NOTICE & PROOF IS ATTACHED TO THE BILL, H. 772, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

GREG PAPPAS, CLERK

By Representative Hooper:

H. 773. To permit the state youth services director to appoint or employ police officers to protect the Alabama department of youth services and its facilities.

COMMITTEE ON WAYS AND MEANS

By Representative Venable:

H. 774. To amend Sections 22-30-12 and 22-30-19, Code of Alabama 1975, which pertain to the hazardous waste permit program, so as to mandate the filing of a compliance history disclosure statement by permit applicants, to prevent the issuance of permits if the applicant has been convicted of a felony and to provide that noncompliance with environmental protection laws is a ground for the revocation of any permit.

**COMMITTEE ON COMMERCE,
TRANSPORTATION AND UTILITIES**

By Representative Venable:

H. 775. To amend Sections 22-27-5 and 22-27-7, Code of Alabama 1975, which relate to the permit requirements of the Solid Wastes Disposal Act, so as to provide further for the issuance of such permits.

**COMMITTEE ON COMMERCE,
TRANSPORTATION AND UTILITIES**

By Representative Parker (P) (With Notice and Proof):

H. 776. To alter, rearrange and extend the boundary lines and corporate limits of the municipality of Hartselle, in Morgan County.

COMMITTEE ON LOCAL LEGISLATION NO. 1

I HEREBY CERTIFY THAT THE NOTICE & PROOF IS ATTACHED TO THE BILL, H. 776, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

GREG PAPPAS, CLERK

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and passed the following engrossed Senate Bill and sends same herewith to the House:

